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JOURNALS
OF THE
CONSTITUTIONAL CONVENTION
OF ARIZONA

As provided for by the Enabling Act of Congress
approved June 20th, 1910.

Held in the Hall of the House of Representatives
in the Capitol of the Territory of Arizona,
at Phoenix, Arizona, October 10 to
December 9, 1910.

Compiled by

CON P. CRONIN,

State Librarian of Arizona.

November 1, 1925.

ARIZONA CONSTITUTIONAL CONVENTION.

Phoenix, Arizona Territory.
October 10, 1910.

In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an Equal Footing with the Original States; and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock noon on this the 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a Constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

On motion of Hon. E. E. Ellinwood, member-elect of Cochise County, Mr. Baker was unanimously elected temporary president.

On motion of Hon. Geo. W. P. Hunt, member-elect of Gila County, Mr. A. W. Cole resident of Douglas, Arizona, was unanimously elected temporary secretary.

Roll of delegates-elect was called by temporary secretary, all answering present with theexception of six who later reported present.

Prayer offered by Rev. Seaborn Crutchfield, resident Tempe.

On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president:

Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracy Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County.

On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following Committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention:

Morris Goldwater of Yavapai County, Edward M. Doe of Coconino County, Alfred Franklin of Maricopa County, E. E. Ellinwood of Cochise County and S. L. Kingan of Pima County.

On motion of Mr. Webb the secretary was empowered to employ a temporary stenographer.

On motion of Mr. Webb a recess of ten minutes was taken to allow the committees on credentials and on oath of office to report.

Convention called to order by the temporary president.

The committee on credentials reported as follows:

Phoenix, Arizona, October 10, 1910.

To the temporary president and members-elect
of the Constitutional Convention:

We, your committee on credentials, have the honor to report the following named delegates entitledto seats in this Convention: to-wit:

Apache County	Fred T. Colter.
Coconino County	C. C. Hutchinson, Edward M. Doe.
Cochise County	E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. E. Connelly, E. A. Tovrea, D. L. Cunningham, C. M. Roberts, F. B. Bradner,
Gila County	Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinberger, John Langdon.
Graham County	Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb.
Maricopa County	A. C. Baker, B. B. Moeur, Orren L. Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin, John P. Orme, Lysander Cassidy, James E. Crutchfield.
Mohave County	Henry Lovin.
Navajo County	Wm. Morgan, James Scott.
Pinal County	Elmer W. Coker, Thomas N. Wills
Pima County	Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White.
Santa Cruz County	Bracy Curtis.
Yavapai County	Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, M. Goldwater, A. A. Moore.
Yuma County	Mulford Winsor, Fred L. Ingraham, E. L. Short.

Respectfully submitted,
Albert M. Jones, Chairman.

William F. Cooper, Secretary.

Mr. Cassidy: Since we have no recognized form of the oath of office to administer to the members of this Convention I desire to present a form which the secretary may read.
Temporary President: The secretary will please read the form suggested by Mr. Cassidy.
Secretary: (reading) I hereby solemnly swear to support the Constitution of the United States and faithfully to perform the duties of delegates to the Constitutional Convention of Arizona.
Temporary President: You have heard the form of oath gentlemen.
What is your pleasure?
Mr. Webb. I think that it is hardly necessary to adopt any form as I believe that Judge Kent will probably come with a form of oath in his inside pocket.
Mr. Cassidy: Since it is doubtful as to the judge coming prepared with a form and there being no form available for the purpose of this Convention I move that the form read by the secretary be adopted.
The motion prevailed.
Mr. Ellinwood: I move that slips of paper with the names of various counties thereon be placed in a hat and that the secretary draw them and the selection of seats decided according to the order in which the names are drawn.

Mr. Goldwater: I second that motion.
The motion prevailed.
Mr. Winsor: It will be so arranged that the republican members of this convention may be seated by themselves if they so desire in order that they may be free from association with the unwashed democratic majority.
Mr. Orme: I suggest that they be given a choice in the selecting of the seats.
Temporary President: The committee on oath has announced that it is now ready to report to the Convention.
Mr. Ellinwood: I have the honor to present to you Hon. Chief Justice Edward Kent, who has kindly consented to administer the oath of office to the members of this Convention.
Chief Justice: Will the members of the Constitutional Convention please rise?
The Chief Justice: You, each and all of you do solemnly swear that you will support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.
Members of Convention: We do.
The Chief Justice: Gentlemen, I congratulate you upon this occasion, for the opportunity you now have to do a great and grand work, that will be a credit to you and to your children after you, and to this nation. I hope that you will be guided by wisdom in your acts and in your works and that peace may abide with you in your Convention and that all your acts may be prudent.
Mr. Cuniff: I move that we proceed to the election of the president of this Convention.
Mr. Colter: I second that motion.
The motion prevailed.
Mr. Cunningham: I desire to place in nomination for president of this Convention a man who is very capable and worthy, and who is the choice of a great number of the members of this Convention.
I nominate Geo. W. P. Hunt of Gila County for president.
Mr. Cunniff: I second this nomination.
Temporary President: Gentlemen, what is your further pleasure?
Mr. Doe: I desire to nominate for president of this convention, Hon. Judge Ed. W. Wells of Yavapai County.
Mr. Kingan: I second the nomination of Judge Wells.
Temporary President: Gentlemen, what is your further pleasure?
Mr. Cunniff: I move that the nominations close.
Mr. Coker: I second the motion.
Temporary President: Gentlemen, you have the nomination of Mr. Hunt of Gila County and Judge Wells of Yavapai County for president.
Mr. Cunniff: I move the secretary call the roll, and that each member express his choice as his name is called.
Mr. Webb: Mr. Chairman, I second that motion.
The motion prevailed.
The roll call showed forty-one votes for Mr. Hunt and eleven for Mr. Wells.
Temporary President: Gentlemen, Mr. Hunt has received forty-one votes and Mr. Wells has eleven. The chair announces that Mr. Geo. W. P. Hunt has been elected president of the Constitutional Convention. Will the gentleman from Cochise, Mr. Cunningham and the gentleman from Yavapai, Mr. Goldwater, escort the elected president to the chair.
Mr. Cunningham: We have the honor to present Mr. Hunt of Gila County as the elected president of the convention.
Temporary president: Members of this Convention I respectfully present to you Mr. Geo. W. P. Hunt, who is your duly

elected president.
Mr. Hunt: To the members of this Convention I sincerely return my heartfelt thanks for the selection of myself as president of this Convention, the elevation to which office I have not been seeking. Gentlemen, what we do must be done for the good of the people of Arizona, and it must be done wisely. By the authority in me vested as the presiding officer, the permanent organization is perfected hereby for the framing of a constitution and a form of government for Arizona under the Act of Congress approved June 20, 1910. What is the further pleasure of the Convention?
Mr. Parsons: Mr. President, the Enabling Act provides for the election of a permanent secretary. Representing the united delegation from Cochise County, and between 300 and 400 employees of the smelters and railroad shops at Douglas who would receive with gladness the news of the elevation of Mr. A. W. Cole to the office of permanent secretary, I now present the name of A. W. Cole as secretary of this convention.
Mr. Keegan: I rise to second that nomination.
Mr. Winsor: I move that the nomination be closed.
Mr. Short: I second that motion.
The motion prevailed.
Mr. President: It has been moved and seconded that Mr, A. W. Cole be elected to the position of permanent secretary of this convention. All those in favor say "aye"; those opposed "no".
It is unanimous.
Upon motion of Mr. Franklin the convention was opened with prayer by Rev. Seaborn Crutchfield.
Mr. Cunniff: Mr. President, I move that the secretary read the resolution I now present.
Mr. President: The secretary will please read the resolution.
Secretary: (Reading) "Resolved that we the delegates of the people of Arizona, assembled in this Constitutional Convention at Phoenix, Arizona, on October 10, 1910, under the authority of an Act of Congress, approved June 20, 1910, entitled, 'An Act to Enable the People of New Mexico to Form a Constitution and State Government, and be Admitted into the Union on an Equal Footing with the Original States, and to Enable the People of Arizona to Form a Constitution and State Government, and be Admitted into the Union on an Equal Footing with the Original States,' hereby on behalf of the people of Arizona adopt the Constitution of the United States of America."
Mr. Wells: Mr. President, I move to amend by adding the words "and the amendments thereto."
Mr. Cunniff: I accept the amendment.
Mr. Baker: Mr. President, why should it be necessary to mention the amendments. When we say the Constitution of the United States, any sane person will understand that it means the Constitution and the amendments thereto. It is not necessary to add the amendments to the resolution.
Mr. Cunniff: Mr. President, I admit that I was hasty in consenting that the words "and amendments thereto" be added to the original resolution. I now move that the resolution be adopted as offered.
Mr. Webb: In other state constitutions and similar conventions it has not been necessary to add the word "amendments" to the resolution. I second the motion of the gentleman from Yavapai County.
Amendment offered by Mr. Wells lost by vote of 14 to 38.
Mr. President: It has been moved and seconded that the

Resolution as originally placed before the Convention be adopted. Those in favor say aye, those opposed no. I believe the ayes have it.
Mr. President: Will the Secretary please read the Resolution.
Secretary: (Reading) "Resolved: that we, the delegates of the people of Arizona, assembled in this Constitutional Convention, at Phoenix, Arizona, on October 10, 1910, under authority of an Act of Congress entitled 'An Act to Enable the People of New Mexico to Form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States, and to Enable the People of Arizona to Form a Constitution and State Government and be Admitted into the Union onan Equal Footing with the Original States,' hereby on behalf of the people of Arizona adopt the Constitution of the United States of America."
Roll call showed 52 votes for the resolution and none against.
Mr. President: I announce that the vote cast has resulted in fifty-two votes for the original resolution, and no vote against it. The resolution is adopted.
Mr. Winsor: Mr. President, I move that a committee of thirteen be appointed, one member from each county, whose duty it shall be to investigate the matter of finances and available funds for this convention.
Mr. Webb: Mr. President, I arise to a point of order, I believe the gentleman from Yuma is premature in his motion.
Mr. Winsor: Mr. President, I withdraw the motion to await the pleasure of the Convention.
Mr. Baker: Mr. President, as we now stand we have no fixed rule or method of procedure, and without such this Convention cannot proceed with the business to be transacted tomorrow, therefore, I move that a committee of seven members be appointed on rules and procedure.
Mr. Osborn: I second the motion.
The motion prevailed.
Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker, the gentleman from Yuma, Mr. Winsor, the gentleman from Yavapai, Mr. Goldwater, the gentleman from Graham, Mr. Webb, the gentleman from Cochise, Mr. Bolan, the gentleman from Pima, Mr. Cooper, the gentleman from Navajo, Mr. Morgan.
Mr. Ellinwood: I move that one delegate from each county be appointed to serve on the committee on rules and procedure.
Mr. Webb: I arise to a point of order. I believe the gentleman from Cochise does not understand that the motion has carried.
Point of order sustained.
Mr. Winsor: Mr. President, I move a committee be appointed on finance to look into and investigate and have an understanding as to the expenses to be incurred and the moneys needed by this Constitutional Convention; also to secure information so that the committees may be guided in their expenses. We will then know what we can figure on.
Mr. Webb: I arise to second that motion.
The motion prevailed.
Mr. Winsor: Mr. President, I suggest that the chairman of this committee call upon the Secretary of Arizona and obtain from him information regarding the moneys to be allowed this convention.
Mr. Cunniff: I suggest the name of a man who is capable and an expert business man, one who is well able to handle this business. I suggest that Homer Wood of Yavapai County be made a member of this committee on finance, and that

the president appoint the other members.
Mr. Webb: I second the nomination of Mr. Wood.
Mr. President: Gentleman, it has been moved and seconded that Mr. Wood of Yavapai County act upon the committee on finances. All those in favor say aye, those opposed no. The ayes have it.
Mr. Cobb: Mr. President, I move that we take a recess of fifteen minutes to caucus on the matter before the house.
Mr. President: There being no objection a recess of fifteen minutes is declared.
Convention called to order.
Mr. President: Gentlemen of the Convention, in the matter of the committee on rules and procedure, Mr. Baker of Maricopa County wishes to be excused from this committee as he is not well, so I appoint Mr. Franklin of Maricopa to take his place on this committee.
The secretary will read the names of this committee.
Secretary: (Reading) Mr. Winsor of Yuma, Mr. Bolan of Cochise, Mr. Franklin of Maricopa, Mr. Goldwater of Yavapai, Mr. Doe of Coconino.
Mr. Winsor: Mr. President, I have a resolution to present; Will the secretary please read it.
Mr. President: The secretary will read the resolution.
Secretary: (Reading) "Resolved: That no one except members of the Constitutional Convention and attaches shall have the privilege of the Convention chamber without the unanimous consent of the members of the Constitutional Convention.
The resolution was adopted.
Mr. President: Gentlemen, what is your further pleasure?
Mr. Wood: Mr. President, the committee on finances is ready to report. We desire to report as follows:

"Phoenix, Arizona, Oct. 10, 1910.

To the Honorable President of the
Constitutional Convention:

We, your committee, having investigated finances in the hand of Secretary of the Territory of Arizona, pertaining to statehood matters, beg leave, to submit the following report:

No balances could be obtained at this time or at any time in the near future, but we have the assurances of the Secretary of Arizona that there will be ample funds for a progressive convention.

We are also informed by the Secretary of Arizona that no report of any prospective shortage of funds has ever emanated from him.

Respectfully submitted,
H. R. Wood, Chairman.

Bracy Curtis, Secretary.
Thomas Feeney, Member.

Mr. Baker: I think this committee should be continued and requested to make a definite report as soon as possible. I move that the committee be continued.
Mr. Cunniff: I move that the partial report of the committee be accepted.
Mr. Goldwater: I second the latter motion.
The motion prevailed.
Mr. Crutchfield: Mr. President, I should like to have a meeting of the committee on committees in the room here.
Mr. Winsor: Mr. President, I move that a committee of five be appointed upon employees.

Mr. Cunniff: Mr. President, I move to amend that a committee of ten be appointed.
Mr. Jones: (Yavapai) I second the amendment.
Mr. Winsor: Mr. President, I move that the number of this committee be five as I think that number sufficient.
Mr. Webb: Mr. President, I second that motion.
Mr. Winsor: Mr. President, which motion was seconded? The original motion for a committee of five, or the amendment for a committee of ten?
Mr. Webb: I seconded the original motion.
The amendment prevailed.
Mr. Feeney: Roll call, please.
Roll called by secretary.
Mr. President: The votes according to the roll call show thirty-eight in favor and fourteen against. The motion as amended is carried.
Mr. Webb: I move that the convention take a recess of ten minutes since these committee members desire to caucus.
Mr. President: If there is no objection the Convention will stand at recess for ten minutes.

Mr. President: The convention will please come to order. The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. Jones, F.A. Mr. Weinberger, Mr. Moeur, Mr. Winsor, Mr. Morgan and Mr. Tovrea.
Mr. Winsor: Mr. President: I desire to say that it is the wish of the Yuma delegation that Mr. Short be a member of that committee.
Mr. President: I name Mr. Short as a member of that committee in lieu of Mr. Winsor of Yuma county.
Mr. Ellinwood: Mr. President, I move that the members of this committee as they now read be accepted.
Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Baker: Mr. President, I move that we adjourn until 10 A.M., October 11.
The motion prevailed.
Mr. President: The convention stands adjourned until tomorrow morning at 10 o'clock.

JOURNAL, October 10,1910. 10 a.m.

Mr. President: Convention will come to order. The secretary will call the roll.
Quorum present.
Mr. President: Gentlemen of the convention, will you please rise, and Rev. Seaborn Crutchfield will pronounce the invocation.
Chaplain: Oh Lord: we come before Thee, the members of this convention, in the attitude of prayer, and we ask Thy blessings upon each and every member of this convention. Inspire their minds with the love of their state and the love of their country that they may be guided this day by Thy Holy Spirit. Be mindful of each member of this convention that he may have peace and joy in his great labors, and bless each with wisdom and prudence that he may have only the desire to serve his people in this convention. We pray the blessings upon the president that he may be guided by the Holy Spirit and may be granted wisdom as the leading officer of the convention. We pray Thee, Oh Lord, that this body of men, the representatives of the People of Arizona, may frame such a constitution as will meet the approval of every citizen and that it may grant unto Arizona statehood, and place it among the grand galaxy of states of these United States, and that Arizona may be the brightest star in the Union. Grant us peace and love of country and love of mankind in our hearts and guide us through this day of work. These blessings we ask of Thee, in the name of Jesus Christ, Thy Son, Amen.
Mr. President: Will the secretary please read the minutes.

Mr. Secretary: Because of the lack of typewriters, and the building having closed at an early hour the stenographer was unable to transcribe her notes, but I have a part of them which I will read if it is your wish.
Mr. President: We will omit the reading of the minutes for the present, as the secretary has not been able to get them transcribed.
Gentlemen, what is the pleasure of this convention?
Mr. Webb: Mr. President, I move that we now adjourn for thirty minutes, or at the call of the gavel.
Mr. Sims of Cochise: Mr. President, I second that motion.
The motion prevailed.
Mr. President: You stand adjourned subject to the call of the gavel.
Call to order at 11:07 A.M. by the president.
Mr. Cunniff: Mr. President, the committee on Standing Committees is ready to submit its report, but as a member of that committee, there is a little preliminary explanation that should be made before reading the report. The committee has looked over the proceedings of the conventions of several other great states, and the constitutions that have been made for the last forty years, in order that we may have them for our guidance. We find that efficiency has been the first consideration, and that representation has been the second consideration.
Mr. Orme: Mr. President, I rise to a point of order, the gentleman from Yavapai has no right to report as he is not the chairman of the committee.
Mr. Crutchfield: Mr. President, the gentleman from Yavapai is all right. I was not present at the opening of this convention. I yield to Mr. Cunniff:
Mr. Cunniff: Where we have made efficiency the first consideration we have assigned the smaller memberships on committees and where representation was made paramount we have assigned a larger membership on committees, and in so doing we have followed the work of other conventions. I will now read the report of the committee.
The committee on standing committees reports as follows:
"After careful and thorough consideration of the committees created by the other recent constitutional conventions and of the various departments of work indicated by the sections in all state constitutions formulated in the past fifty years, we recommend as adaquate to do the committee work before us, twenty-four standing committees, having 143 members. This contemplates that omitting the president of the convention forty-four delegates will have three committee assignments, and eight will have two.
The committeemen are designated logically to take care of any suggestions as to possible parts of the constitution.

1. Standing Committees for the conducting of the Convention.
    1. Committee on rules and procedure, of five members.
    2. Committee on finance, accounts and expenses, of three members.
    3. Committee on printing and clerks, of three members.

11. Committees for constitution making;
    1. Committee on preamble and declaration of rights, of three members.
    2. Committee on legislative distribution of powers and apportionment of thirteen members.
    3. Committee on executive, impeachment and removal from office, of nine members.

4. Committee on judiciary of thirteen members.
5. Committee on suffrage and elections of eleven members.
6. Committee on counties and municipalities of five members.
7. Committee on education and public institutions of five members.
8. Committee on State and School lands of five members.
9. Committee on public service, corporations other than railroads, of nine members.
10. Committee on private corporations and banks, of nine members.
11. Committee on railroads, of seven members.
12. Committee on agriculture, irrigation and water rights of five members.
13. Committee on mines and mining of five members.
14. Committee on Federal Relations, of three members.
15. Committee on Militia and Public Defense, of three members.
16. Committee on Public debt, revenue and taxation, of thirteen members.
17. Committee on labor, of five members.
18. Committee on schedule, mode of amending and miscellaneous, of five members.
19. Committee on ordinance, of three members.
20. Committee on matters of separate submission, of five members.
21. Committee on style, revision and compilation, of five members.

(Signed) J.E. Crutchfield, Chairman.

M.G. Cunniff, Secretary.

Mr. Cunniff: Mr. President, I move that this report be accepted.

Mr. Webb: Mr. President, I do not care to accept this report without further consideration. I think that the report should be carefully studied by every member before it is accepted, and I move that the committee have 100 copies of the report printed and one copy placed on each desk for the benefit of the members.

Mr. President: Before the motion to accept the report is seconded I wish to suggest that this convention give all such matters due consideration and that every member have a full and complete knowledge and understanding of the reports of the various committees.

Mr. Webb: Mr. President, there was no second made to the motion that 100 copies of the original report be printed and one placed upon each desk.

Mr. Crutchfield: Mr. President, I am sure that every member of the convention closely scrutinized the report. It is the wish of this committee that the convention have a perfect knowledge of the work of the committee and we will have the copies printed. I second the motion of the gentleman from Graham.

The motion prevailed.

Mr. Winsor: Mr. President, the committee on rules has a partial report to make, the reason we have not a complete report at this time is because we have failed to secure a full attendance of the members of the committee. I would add that it is the duty of every member of the committee to be present and if the members do not attend their names should be handed to the president of this convention. Our partial report is as follows:

That, until a final report of the committee on rules is made, that the rules of the 25th Legislative Assembly be used as far as applicable in this convention and Roberts' Rules of Order be the guide for the parliamentary procedure of the convention.

Mr. Winsor: Mr. President, I move that the report be adopted.
Mr. Webb: Mr. President, I second that motion.
The motion prevailed.
Mr. President: I have a suggestion to make, to the effect that the resolution of the convention, with regard to the use of the convention chamber for members and attaches only, be waived in order to allow the cartoonists to have space in the convention chamber, as I am informed that the cartoonists cannot make cartoons of the members of the convention from the back view, therefore, I suggest that they may be granted space in the convention chamber.
Mr. Winsor: Mr. President, do you not think it would be better if the cartoonists would make cartoons of some of the members from a back view? (laughter)
Mr. Crutchfield: Mr. President, I move that the cartoonists be given a corner in the convention chamber.
Mr. Webb: I second the motion of the gentleman from Maricopa.
The motion prevailed.
Mr. President: Is the committee on attaches ready to report?
Mr. Webb: Mr. President, that committee is now in session, but will not be ready to report for some time, I believe.

Recess was taken to await the action of committee in session.

Convention called to order by the president.
Mr. Cunniff: Mr. President, I move that the convention adjourn until 2 p.m., as it is impossible to continue the work of the convention until the work of the committees is more complete.
Mr. Winsor: I second the motion.
The motion prevailed.
Convention adjourned to 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will please come to order. I declare quorum present.
Mr. President: Gentlemen, what is your pleasure?
Mr. Webb: Mr. President, your committee on attaches is not yet ready to report, but we expect to be able to report tomorrow morning and ask for further time.
Mr. President: If there is no objection the committee will be granted further time in which to prepare this report.
Mr. President: I desire to inform the members of this convention that it must at once make provision for stenographers to report the daily proceedings, and I would urge that no time be lost.
On motion of Mr. Webb, the convention adjourned until 10 a.m., October 12, 1910.

JOURNAL, October 12, 1910. 10 a.m.

Mr. President: Will the convention come to order, please? The secretary will call the roll. Quorum present.
Prayer by the chaplain.
Secretary reads the minutes.
Mr. Winsor: I should like to know in the reading of this record if it is the verbatim report or the minutes.
Mr. President: The secretary is reading the Journal which is made up of the minutes.

Mr. Winsor: Mr. President, the secretary reads the amendment to the resolution to read "thereof", and it should read "thereto".
Mr. President: I believe he read it thereto.
Mr. Secretary: If I read it thereof, it was my mistake in reading it as the word of the stenographer is thereto.
Mr. Winsor: The motion to create a committee on finance was made by Mr. Cunniff of Yavapai and not by Mr. Winsor. I move that the minutes be corrected to read Cunniff instead of Winsor.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Webb: Mr. President, I would suggest that in behalf of the secretary and stenographer that they are not yet familiar with the names and faces of the members of this convention, and necessarily there will be mistakes.
Mr. Winsor: Mr. President, the minutes read that the committee was allowed to stand as approved by the president. It seems to me this is a superfluous motion, since the president was to select the committee. I move that the minutes be corrected, or that that clause be stricken out.
Mr. Webb; I second the motion.
The motion prevailed.
Mr. President: Gentlemen of the convention, are there any other alterations or corrections in the minutes as read? If not, the minutes will stand approved as read. Gentlemen of the convention, the secretary will continue the reading of the minutes of the journal of Tuesday.
Mr. Winsor: Mr. President, I believe that the wording should be minutes of the convention rather than journal, as the stenographer keeps the verbatim record, which is the journal and the minutes will not be made a part of the journal record. I move that the word minutes be used in place of journal in proceedings of the convention for daily acceptance. The journal, I understand, when completed, will make a document known as the original document.
Mr. Ellinwood: There may be several documents when the verbatim report is completed, but the minutes are the proceedings to be read.
Mr. Winsor: Mr. President; in looking up the reports of other conventions, I find that the minutes are a different record than that of the journal.
Mr. Webb: The rules of the convention may be more clearly understood after a report of the committee on rules, but I have here the records of the conventions of Utah and Wyoming, both of which are verbatim and known as the journal, and for this reason, I take it that this convention desires a full and complete verbatim journal, which should be given to the public every morning and read for adoption to this convention.
Mr. Parsons: Mr. President, I would like information on this matter. If a verbatim report is to be read every day, we had better petition for a greater length of time, as it will require no little time to read these records for the adoption. For this reason I think that.
Mr. Webb: Mr. President, I arise to a point of order. The gentleman from Cochise is not speaking to the question. The question before the house is that the minutes are not the journal record, and that a verbatim report of the proceedings will be found upon the desks every morning, but the minutes as are now being read shall not go by the name of journal report.
Mr. Winsor: I move the word minutes be used in place of journal.
Mr. Webb: I second that motion.

The motion prevailed.
Mr. President: The secretary will read the minutes.
Mr. Winsor: I move that we dispense with the reading of the report of the committee on committees as we have it before us.
Mr. Cunniff: Mr. President, I second the motion.
The motion prevailed.
Mr. President: Gentlemen of the convention, are there any other alterations, if not, the minutes will stand approved.
Mr. President: Gentlemen, we will now hear the report of the committee on attaches. Will the secretary please read the report?
Mr. Secretary: (Reading) Resolution introduced by Mr. Webb of Graham. "Resolved: That the recommendation contained in the following report of the committee on attaches begs to recommend that for efficient and expeditious work of the convention the following appointments be made and suggest as compensation for services the perdiem noted.

2	Doorkeepers	$5.00
1	Sergeant at arms	6.00
2	Watchmen	5.00
1	Chaplain	5.00
1	Chief Clerk	6.00
1	Assistant Chief Clerk	6.00
2	Journal Clerks	5.00
1	Secretary to President	5.00
5	Committee Clerks	5.00
10	Typewriters and stenographers	5.00
3	Pages	5.00
1	Messenger	5.00

Your committee further recommends that the committee on rules be authorized to contract or provide for reporters to report the convention.

The following names are recommended by your committee to perform the duties indicated:

For Doorkeepers: W.H. Gibbons, J.C. Evans.
For Sergeant-at-arms, Wm. C. Truman.
For Watchman: Richard Humphreys, Daniel Holloway.
For Chaplain: Seaborn Crutchfield.
For Secretary: A. W. Cole.
For Assistant Secretary: Frank DeSouza.
For Journal Clerk: Harriet Jean Oliver, Ed. Dillon.
For Secretary to President: A. A. Cohn.
For Committee Clerks: Cecilia Barth, Michael Hannon, J. C. Callahan, Dott Norfleet, F. G. Townsend.
For stenographers, typewriters and clerks: Samuel Briscoe, J. M. Foster, J.B. Murphy, G. B. Pace, Margaret I. O'Sullivan, Bertha I. Schultz, Ambra Osborn, Beatrice W. Scales, Joe Dare and R. E. McGillen.
For Pages: Chas. A. Parsons, Lloyd Jones, Ethel Ming.
For Messenger: Dudley Lewis.

We further recommend that the employees be subject to the authority of the committee on printing and clerks, also that compensation date from time employees assume their duties and during such period only as they perform them.

J. K. Keegan, Chairman.
F. A. Jones, Secretary
Committee.

Mr. Cunniff: Mr. President, I would suggest to the convention that the Chief Clerk be known as the Secretary and the Assistant Chief Clerk as the Assistant Secretary.
Mr. President: Will the Secretary and assistant Secretary arise and be sworn in.

I hereby solemnly swear to support the Constitution of the United States, and faithfully to perform the duties of Secretary and Assistant Secretary of the Constitutional Convention of Arizona.

A. W. Cole and Frank Desouze: I do.

Mr. Webb: Mr. President, I have been waiting for the chairman of the committee on attaches to move the adoption of the report of the committee, but he seems to be absent.
Mr. Keegan: Mr. President, I move that the report of the committee on attaches be adopted.
Mr. Webb: I second that motion.
Mr. President: It has been moved and seconded that the report of the committee on attaches be adopted.
Mr. Webb: Mr. President, would the secretary please read the report?
Mr. President: The secretary will please read the report.
Mr. Cobb: I request that the initials of Mr. Murphy be changed to F. B.
Mr. Winsor: I move that the words five dollars be changed to two dollars with reference to the pay allowed the chaplain.
Mr. Webb: I arise to a point of order. There is a motion pending.
Mr. Winsor: I move that the secretary strike out the words five dollars and insert the words two dollars as per my first motion.
Mr. Morgan: I second that motion.
Mr. President: It has been moved and seconded that the words five dollars be stricken out and the words two dollars inserted with regard to the pay of the chaplain.
Mr. Baker: Mr. President, the laborer is worthy of his hire. The best service to the convention comes through the chaplain who pronounces the invocation upon this convention. Why should we desire to place a lower estimate on his valuable services?
Mr. Webb: I do not see why any attache should not have full pay for his or her services.
The motion was lost.
Mr. Winsor: Mr. President, I am aware that it is very unpopular to try to reduce the salary of any attache, but in this case I feel that it is a wise move, as the gentleman is only employed for the short while in which he gives his invocation, and is free for the rest of the day. It is not like the clerk or the stenographer who works all day and therefore I feel that the services of such clerks and stenographers should not be on the same scale as the workman who is employed for only a few hours. For this reason I suggest the reduction of the salary of the chaplain, that the expenses of the convention may be lessened in every way possible.
Mr. Baker: Mr. President, I do not believe in cutting

down the expenses of this convention at the expense of Heaven.
Mr. Webb: Mr. President, are we to have the report of the committee on committees?
Mr. Cunniff: The matter of the committee on standing committees is before the convention. I move that this report be adopted.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Winsor: I arise to a point of order. The question before the convention is to strike out the amendment for the adoption of the report. My motion was not acted upon.
Mr. President: The motion was put to the convention but lost.
Mr. Webb: I move to indefinitely postpone the motion.
Mr. Winsor: Mr. President, no action was taken upon my motion to amend the report.
Mr. Webb: Mr. President, the amendment was lost and I move that the question be indefinitely postponed. I was not familiar with the original question. I will acknowledge the motion was not in order for the reason that it could not be applied.
Mr. Winsor: Roll call.
The roll was called showing twenty-one (21) ayes and thirty (30) nays.
Mr. President: The vote stands twenty-one (21) ayes, and thirty (30) nays, on the amendment to change the words five dollars to two dollars. The motion has been lost.
Mr. President: Gentlemen, those in favor of adopting the report as read answer aye, those opposed nay. The ayes have it.
Mr. President: For the information of the convention, I would like to ask the chairman of the committee on rules what arrangements have been made to get more stenographers.
Mr. Winsor: It seems necessary to await the report of the committee on attaches.
Mr. President: I wish to say that it will be necessary to have other stenographers before the work of the convention can proceed. If there are no objections a recess will be taken.
Mr. Baker: Mr. President, before the recess is taken I move that the convention get up a form of congratulations or any form suggested by the president and send to the Constitutional Convention of New Mexico, which has been in session two weeks.
Mr. Cunniff: What is the question, please?
Mr. President: Mr. Baker will please state the question.
Mr. Baker: Since the Convention of New Mexico is in session and we are fully organized, I move that we get up a form of congratulations and send to the Convention of New Mexico.
Mr. President: Since the convention of New Mexico has been in session for two weeks and has not sent us any congratulations, why is it necessary that we honor them?
Mr. Baker: Of course, I have a little native pride, but as they are not aware that we are fully organized, they would not know when to send congratulations; therefore I move that congratulations be dispatched from the members of the Constitutional Convention of Arizona to the Constitutional Convention of New Mexico.
Mr. Coker: Mr. President, I second the motion.
The motion prevailed.
Mr. President: It is necessary that the attaches be sworn before their names can go upon the pay roll or work assigned them. If they will come forward, I will administer the oath.

Attaches present with uplifted hands.
Mr. President: I hereby solemnly swear to support the Constitution of the United States and faithfully to perform the duties of attaches in the Constitutional Convention of Arizona.
Attaches: I do.
Mr. President: If there is no further business before the convention we will stand adjourned until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order.
Quorum present.
Mr. President: Gentlemen of the convention, the secretary of the Territory has allowed $170.00 for stamps, I do not know whether this is sufficient, but I will state that I have signed the requisition. If this is not quite enough we must put in the actual amount required in the requisition. As I stated I have signed the requisition and if this is satisfactory it will stand as it is now. I would also state for the information of the convention that I am not yet ready to announce the selection of standing committees. I want more time. If the gentlemen of the convention have anything to do I call for the same.
Mr. Webb: Mr. President, We have discovered a few mistakes of the committee on attaches and I desire to bring this before the convention. The committee have overlooked the name of Miss N. Alice Berry, in assigning clerkships, and I am sure it was unintentional on the part of the committee members. As you remember, Miss N. Alice Berry was called from the gallery on Monday to act as temporary stenographer and this work she has been doing since that time and will continue until the committee secures expert and official stenographers, but it is the wish of the members of this convention that she be retained in the convention and that she be included in the list of clerks and stenographers. I now move that Miss M. Alice Berry be granted a permanent position in the convention as a stenographer, and to act as temporary stenographer until someone is secured to take her place, and that she be granted remuneration from the time of her services on Monday, October 10, 1910, and that as a clerk she is granted a salary of five dollars per day.
Mr. Moeur: I second that motion.
The motion prevailed.
Mr. Cunniff: The committee on standing rules has completed its work.
Mr. Crutchfield: Mr. President, since reporting, it has been suggested by other members of the committee that there might be other matters come up that would need to be acted upon by this committee, but I am certain that the members of the committee would be willing to be discharged.
Mr. Cunniff: I would like an understanding of the matter.
Mr. Winsor: The motion under which the committee on committees was selected seems to me to provide that it be automatically dismissed, and that if any other matters come up there should be a special committee appointed for that particular purpose.
Mr. Crutchfield: Mr. President, I think that it is understood that this committee should be automatically discharged.
Mr. Cunniff: I move that the committee on standing committees be discharged.
Mr. Coker: Mr. President, I second the motion.

Mr. Webb: Mr. President, I rise to a point of order. That the committee was automatically discharged when the report was adopted.

Mr. President: The point of order is sustained.

Mr. Webb: Mr. President, I now offer the following resolution:

"Resolved that the convention shall have twenty-one standing committee."

Mr. Cunniff: Mr. President, there are to be twenty-four standing committees; the report so states.

Mr. Webb: (Reading) I find twenty-one committees.

Mr. Cunniff: Mr. President, the gentleman has omitted the first three names.

Mr. Webb: This is my mistake, the three other committees I did not see. Resolved that the convention shall have twenty-four standing committees. The committees to be those named in the report of the committee on committees.

Mr. Webb: Mr. President, I move that this resolution be adopted.

Mr. Winsor: I second that motion.

Mr. President: Gentlemen you have heard the motion, are you ready for the question?

Mr. Cunniff: Roll call.

Mr. President: The secretary will call the roll.

On roll call the motion prevailed.

Mr. Webb: I have the following resolution to offer:

"Resolved that the recommendation contained in the report of the committee on attaches be adopted by the convention."

Mr. Webb: I move that the resolution be adopted.

Mr. Feeney: I second that motion.

Mr. Goldwater: Mr. President, I would like to have the secretary read that report again, as to the salary of attaches.

Mr. President: Secretary will please read the report.

Secretary read the report.

Mr. Goldwater: Mr. President, the pages will receive five dollars per day, I move that I resign from this convention as a member serving for four dollars per day, and be hired as a Page. (Laughter)

Mr. President: The gentleman's motion is out of order.

Mr. Winsor: Mr. President, I move that the report be amended to read three dollars in place of five dollars for pages.

Mr. Moeur: Mr. President, I object to cutting the salary of any employee of this convention. Their services are worthy of the salary allowed them.

Mr. Webb: Mr. President, those pages are already employed; their services now engaged, and I object to cutting of their salaries.

Mr. Cunniff: Roll Call.

Mr. President: The secretary will call the roll.

Mr. Secretary: Baker

Mr. Baker: No.

Mr. Baker: Mr. President, please explain what the vote is about.

Mr. President: Those who vote nay, vote against the motion to amend the report as to the salary of the pages; those who vote aye, vote in favor of the motion to amend.

On roll call the motion was lost.

Mr. Winsor: I move that the convention adjourn until 10 o'clock tomorrow morning.

Mr. Webb: I second the motion.

The motion prevailed.

Convention adjourned until 10 A.M. October 13, 1910.

October 13, 1910. 10 A.M.

Mr. President: The convention will come to order.
Quorum present.
Prayer by Chaplain.
Mr. President: Attaches will please take notice and meet in the large committee room for roll call. I suggest that you be present regularly and at an early hour. You cannot draw pay if you are not, as this is Government work, you know.
Mr. President: The secretary will read the minutes.
Minutes read and approved.
Mr. President: The secretary will read the assignments of the standing committees for conducting the work of the convention. Gentlemen of the convention I wish to say that I have used my very best judgment in the selection of these committees. I have tried to secure the best members for each committee, and I trust this selection will meet with your approval. The secretary will read the following assignments.
Mr. Secretary: (Reading)

The assignment of Standing Committees for Conducting Convention.

1. Rules and Procedure. (5) Chairman Winsor, Bolan, Franklin, Goldwater, Doe.

2. Finance, Accounts and Expense. (3) Chairman Wood, Cobb, Jones, (Maricopa)

3. Printing and Clerks. (3) Chairman Short, Jones (Maricopa), Cooper.

For Constitution Making.

1. Preamble and Declaration of Rights. (3) Chairman Crutchfield, Connelly, Morgan.

2. Legislative Department, Distribution of Powers and Apportionment. (13) Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan, Roberts, Simms (Graham), Webb, Weinberger, Curtis.

3. Executive, Impeachment and Removal from Office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Goldwater, Wood, Doe, Kingan, Parsons, Crutchfield.

5. Suffrage and Elections. (11) Chairman Jones (Yavapai) Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott, Orme.

6. Counties and Municipalities. (5) Chairman Sims (Cochise), Colter, Baker, Feeney, Moore.

7. Education and Public Institutions. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai) Simms (Graham), Orme and Cunningham.

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa) Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

10. Private Corporation and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

14. Federal Relations. (3) Chairman Parsons, Standage, Wells.

15. Militia and Public Defense. (3) Chairman Tuthill

Osborn, Standage.

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Levin Roberts, Standage, Pusch, Scott, White.

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

19. Ordinance. (3) Chairman Goldwater, Crutchfield, Hutchinson.

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

Mr. Cunniff: Mr. President, I move that 100 copies of the Standing Committee Assignments be printed.

Mr. Franklin: Mr. President, I second that motion.

The motion prevailed.

Mr. Winsor: Mr. President, the committee on rules and procedure has a report to make.

Mr. President: We will hear the report.

Mr. Winsor: Mr. President,

Your committee on Rules and order of business, to which was referred the matter of the employment of official stenographers for the constitutional convention, with authority to contract for such work, begs leave to report as follows:

"Bids have been received from three parties: Mr. W. D. O'Neil of Phoenix, Arizona, Mr. W. M. Tiffany, of Los Angeles, California, and Mr. J. A. Larrabee of Tucson, Arizona. Your committee recommends the acceptance of the amended bid of Mr. Larrabee, as being the lowest and best of those submitted. Mr. Larrabee proposes to be the official stenographer for the Constitutional Convention at a per diem of $25.00, and will furnish four copies daily of a transcript of the proceedings of the convention at five cents per folio for each copy. The report will require at least three expert reporters and at times three expert operators.

Respectfully submitted,
Mulford Winsor, Chairman.

Mr. Winsor: Mr. President, we have been asked to state as near as can be stated, the total cost of the work. That is impossible, owing to the fact that we do not know how long the convention will continue, but it is estimated at about $3,500.00 or $4000.00. This is about the cost of other convention reporting, figuring on the Utah basis, which, of course, was a longer session than any other convention with which I have compared the cost of reporting. Mr. Tiffany's bid was $12,000 and Mr. O'Neil's was almost the same. For this reason I believe that Mr. Larrabee's offer is the very best we can do. Mr. Larrabee has the reputation of being the most proficient reporter in the southwest and he will do this work at one-half the cost of either of the others.

Mr. Baker: Mr. President, I know Mr. Larrabee quite well, and I have had work done by him, and I can state that he is a proficient reporter.

Mr. Winsor: I again move that this report be adopted and that Mr. Larrabee is employed as stenographer for this convention.

Mr. Webb: Mr. President, I second the motion of Mr. Winsor.

The motion prevailed.

Mr. Winsor: Unless some member of the house has some business to be done, I will move that this convention adjourn until tomorrow morning at 10 o'clock. The committees have enough to do to keep them busy until that time.
Mr. Moeur: I move that we wait until these copies of the assignment of Standing Committees are printed.
Mr. Ellinwood: I move that we stand adjourned until 2. p.m.
Mr. Standage: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will please come to order. If there is no business at this time the convention desires to take up, the donvention will take a short recess while a conference will be held with the Assistant Secretary to learn the assignments of the different committee rooms. The convention will take the recess.

Committee room arguments made.
Mr. President: Will the convention give their attention.
Mr. Coker: Mr. President, I move that the convention adjourn until tomorrow morning ,at 10 o'clock.
Mr. Osborn: I second that motion.
The motion prevailed.
Mr. Wills: Mr. President, my partner here, Mr. Coker, has made a motion, but I would like to make a motion that the convention adjourn until Monday morning at 10 o'clock, if it is not out of order.
Mr. President: Your motion is out of order. The convention has adjourned.
Convention adjourned to 10 a.m., October 14, 1910.

JOURNAL, October 14, 1910. 10 a.m.

Mr. President: The convention will please come to order. The secretary will call the roll . Quorum present.
Mr. President: The convention will please rise for the prayer.
Prayer by the chaplain.
Minutes read and approved.
Mr. President: Gentlemen of the convention, are there any committee reports?
Mr. Winsor: The committee on rules and procedure has its report ready to present.
Mr. Crutchfield: The committee on preamble and declaration of rights will be ready to report a preamble to the constitution of the State of Arizona tomorrow.
Mr. Winsor: Mr. President, I have a resolution to offer:

"Resolved that propositions for incorporation in the Constitution of Arizona may be introduced under the appropriate order of business on, and after Saturday, October 15, 1910."

Mr. Winsor: I move that the resolution be adopted by the convention.
Mr. Cunniff: Mr. President, I second the motion.
Mr. Baker: Mr. President, I would like to hear the resolution read again.
Mr. President: The secretary will please re-read the resolution.
Resolution re-read.
Resolution adopted.
Mr. Winsor: The committee on rules and procedure is ready to report.

Mr. President: I suggest that the Chairman of the committee read the report.
Mr. Winsor: Inasmuch as there may be several questions raised during the reading of the report and more or less discussion on those questions, it was thought best that the chairman read the report.
Mr. Cunniff: Mr. President, I think it would be more satisfactory to the convention if copies of this report were printed and placed on the desks for study by the members, as the reading will consume much time and it is absolutely necessary that the convention understand these rules before we can adopt them.
Mr. Webb: Mr. President, If there are to be printed copies of the report supplied the members of the convention it seems to me useless to have the report read.
Mr. Cunniff: Mr. President, I move that copies of the rules be printed.
Mr. Webb: Mr. President, I second that motion.
Mr. Winsor: Mr. President, it seems to me that to wait for printed copies of the rules is a waste of time. I do not think that legislation should be delayed to wait for the printing of the various reports, and since there will probably be but very few of the rules in the report, which will be discussed, I do not think that the reading will be as great a loss of time as to await the printing before taking up the matter again, but if the convention prefers not to have the report read I have no objection to delaying the reading.
Mr. Cunniff: As to the element of time, we have already wasted sufficient time for the reading of the report, but I feel that it is matter that should be given much study and I would feel that it was wisdom and prudence on the part of the convention to defer the matter until the rules have been submitted to the members in print and given due deliberation, therefore, I move that printed copies of the rules be furnished the members of the convention for their consideration.
Mr. Webb: I second the motion of the gentleman from Yavapai.
Mr. President: Gentlemen, you have heard the motion. Those in favor please rise. (Thirty-seven voted in favor and fifteen against).
Mr. President: The motion was carried. I would like to ask for the information of the chair, can we have the rules printed for tomorrow?
Mr. Jones: Mr. President, I am on the printing committee, and will state that these rules can be ready for tomorrow morning at 9 o'clock.
Mr. Standage: Mr. President, is there any reason why these rules cannot be read this morning? There are a number of the members of the convention, as well as myself, who would like to hear the rules read. I move they be read.
Mr. Osborn: Mr. President, I second the motion of Mr. Standage.
The motion prevailed.
Mr. President: Mr. Winsor, will you please read the rules?
Mr. Winsor: Mr. President, I will read a while and then call on some other member.
Mr. Winsor begins reading report of committee on rules and procedure.
Mr. Winsor: Will Mr. Bolan please conclude the reading?
Mr. Bolan continues reading.
Mr. Cunniff: Mr. Bolan will you please re-read that portion just before Rule No. 32.
Mr. Bolan re-reads Rule No. 32.

Mr. Feeney: Mr. Bolan, please re-read Rule No. 47.
Mr. Bolan re-reads Rule No. 47.
Mr. President: Gentlemen is there anything else to come before the convention this morning? I suggest that the chairman of the committee on rules make the corrections in the rules that are necessary so that they can go to the printer immediately.
Mr. Crutchfield: Mr. President, I would like to suggest that I would not care to be limited to twenty-four hours for reconsideration of a motion, I think we should not be limited as it may require more time for reconsideration than twenty-four hours.
Mr. Webb: Mr. President, the rule here proposed is the broadest I have ever seen written upon the subject. A motion to reconsider is often abused by one who favors measures moving a reconsideration immediately after its passage, then voting against his own motion, thus preventing a future motion for the reconsideration by a member opposed to him. The rule here proposed will prevent sharp practice of this kind as it will permit a second motion to reconsider on the following day, and the objection made by the gentleman from Maricopa will probably be removed when he recalls the fact that any proposition may be amended at any time up to the final passage of the constitution as a whole and in a complete form.
Mr. Jones of Maricopa: Mr. President, it seems to me that these rules should be adopted, and that we are making a mistake in not adopting the rules. I move a reconsideration of the motion to lay the rules upon the table until the printed copies are submitted.
Mr. Cunniff: Mr. President, I have before me a typewritten copy of the rules, which I have followed in the reading. I do not think that the present consideration of the rules is satisfactory. I am not in favor of adopting these rules until I have given them more study. As I stated before, it would be an act of wisdom and prudence to consider them carefully before taking any further action upon them. Every matter before this convention should have ample consideration to the satisfaction of the members, and I shall oppose any step to hasten any matters before we have given them due consideration. I cannot vote to take any hasty step, and to do so now would certainly be a mistake in my opinion.
Mr. Ellinwood: Mr. President, It seems to me that it will be a mistake to make a speedy decision in the matter of the adoption of these rules. A clear and thorough understanding should be had by each member on all matter proposed before their adoption.
Mr. Winsor: Mr. President, I arise to a point of order, the gentleman from Cochise is not speaking to the question.
Mr. Webb: Mr. President, amendments to the rules must be made before the measure can be adopted, but the motion before the house is that of adoption.
Mr. Ellinwood: Mr. President, I understand, but I think that we should have a printed copy of the rules before we adopt the rules, in order that amendments may be made before adoption.
Mr. Webb: The gentleman will withdraw his motion.
Mr. Winsor: Mr. President, I move that tomorrow be set aside as the day for consideration and adoption of the rules.
Mr. Cobb: I second the motion of Mr. Winsor.
The motion prevailed.
Mr. President: Gentlemen, is there anything else to come

before the convention?
Mr. Wills: I move that the convention adjourn until Monday morning.
Mr. Cassidy: Since Monday is court day in Maricopa County, and there are three or four members of the constitution who will wish to be in attendanceat court, I would ask that they be excused.
Mr. President: If there are no objections those members may be excused.
Mr. Cassidy: Mr. President, I would suggest that if there are any other matters to come up before the convention that they be given consideration tomorrow and also this afternoon because of the probable absence of several members.
Mr. Webb: Mr. President, I understand that there are several members here who have urgent business at home and who could make that trip between now and Monday. If there is nothing to come before the convention between now and Monday, I move that the convention adjourn until Monday morning.
Mr. Cooper: So far we have no report of the convention proceedings and it will take from now until Monday to get this work out. If there is no further business to come before the convention, I would second [illegible] the motion to adjourn until Monday morning, which will allow ample time for the business now before the convention to be done.
Mr. Baker: Mr. President, There is work that we could probably take up tomorrow if we were in session, and I do not see any need of wasting our time outside, therefore, I move that we adjourn until tomorrow morning at 10 o'clock.
Mr. Osborn: I second that motion.
The motion prevailed.
Mr. President: I would suggest that the Committee have the copies of the report of the committee on rules and procedure on the desks tomorrow morning.
Convention adjourned to 10 a.m. October 15, 1910.

October 15, 1910, 10 A.M.

Mr. President: The convention will come to order please. The secretary will call the roll.
Roll called by the secretary.
Mr. President: Quorum present. We will now rise for the invocation.
Prayer by chaplain.
Minutes read and approved.
Mr. President: We have a communication to read. The secretary will please read the message.
Secretary: (reading) "Santa Fe, N.M., October 14, 1910.

Hon. Geo. W.P. Hunt,
President Constitutional Convention, Phoenix, Ariz.

On behalf of and under its direction by resolution unanimously adopted by the Constitutional Convention of New Mexico, I send the greetings of the delegates thereof to your Convention and the best wishes of this Convention for the highest degree of success in the great work you have undertaken in forming a government by and for the people.

Chas. A. Spiess, President of Constitutional Convention, New Mexico."

Mr. President: Gentlemen, I did not send the message ordered by this convention the other day as I felt confident that one would be forthcoming from Santa Fe, I have here the copy of a message, which I have just dispatched, and which the secretary will please read.

Secretary: (Reading) "Phoenix, Arizona, October 15, 1910.

Hon. Chas. A. Spiess,
President Constitutional Convention of New Mexico,
Santa Fe, New Mexico.

The Constitutional Convention of Arizona now organized and in session begs to express by unanimous vote its appreciation of the kind greetings received today from the Constitutional Convention of New Mexico, and to extend felicitations upon the common opportunity of New Mexico and Arizona to secure the high privilege of Statehood. Many of the interests of the two states will be similar, whatever the divergencies may be, and the Constitutional Convention of Arizona assures the Constitutional Convention of New Mexico of its confidence that New Mexico will do its share as Arizona will do hers, to co-operate in the noble task of building up a great southwest.

The Constitutional Convention of
Arizona,
Geo. W. P. Hunt, President."

Mr. Winsor: Mr. President, the committee on rules is ready to report.
Mr. President: I would suggest that the chairman of the committee on rules do the reading, and that we take it up section by section. This will give opportunity for amendments.
Report of committee on rules read and adopted as amended.
Mr. Cunniff: Mr. President, I move that the convention rescind the action, authorizing and empowering the committee on rules to contract with the reporters to make a verbatim report of the convention proceedings.
Mr. Baker: Mr. President, for information I would like to know why the convention should rescind their action on this question? As for myself I do not object to the matter either one way or another.
Mr. Cunniff: In the first place it might be nice to have a verbatim report, which no one will read, except for political purposes. It is the desire of the delegation from Yavapai County to rescind this action on the matter of reporting the proceedings for the reason that we can see no possible use for the material. It is a useless expense of the money. It also seems that there is an almost complete failure on the part of the committee to secure competent reporters. We would suggest that if there are any of the members who have prepared speeches or flights of eloquence, which they desire preserved in the journals that they have typewritten copies concluded in the journal and to let this suffice for that part of the report. The other matter will appear in print, or such of it as will be read, as will the constitution itself. For this reason we would be glad to dispense with the verbatim report.
Mr. Wood: I second the motion of Mr. Cunniff:
Mr. President: I would like to ask the chairman of the committee on rules what prospect there is of securing competent stenographers, and at what price?
Mr. Winsor: The first offer of Mr. Larrabee was not carried out because he was unable to secure competent help, but we have another bid which amounts to the same

as the first cost, that is, $3500.00. Every constitutional convention has a verbatim report of its proceedings and it seems to me that we would be preserving much valuable matter of historical interest. As for the political uses to which it might be put it would be to the advantage of every member to have a perfect record of these proceedings.
Mr. Moeur: Most of the members have come here pledged and there should be nothing said in this convention that we should be ashamed to have in print, I am in favor of having a verbatim report.
Mr. Coker: Mr. President, I move that this question be made a special order for this afternoon.
Mr. Webb: I second that motion.
The motion prevailed.
Mr. Baker: Mr. President, I move that the convention adjourn until 2 p.m.
Mr. Osborn: Mr. President: I second that motion.
The motion failed.
Mr. President: Those in favor of the motion of the gentleman from Yavapai to dispense with the verbatim report say aye; those opposed nay. I am in doubt. The secretary will call the roll please.
Roll call showed 27 ayes, 19 nays.
Mr. President: The motion is carried.
Mr. Baker: Mr. President, I now move that the minutes be known as the journal.
Mr. Webb: I second that motion.
The motion prevailed.
Mr. Wills: Mr. President, I move that the convention adjourn until 2 p.m.
Mr. Coker: I second that motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION

Mr. President: Will the convention please come to order. A quorum is present.
Mr. Winsor: Mr. President, I move that the secretary's daily minutes be made the journal record of this convention.
Mr. Moeur: Mr. President, I second that motion.
The motion prevailed.
Mr. Osborn: Mr. President, I move that 250 copies of the rules be ordered printed.
Mr. Franklin: I second that motion.
The motion prevailed.
Mr. Goldwater: Mr. President, I have a requisition to offer, which I would like to have the secretary read.
Mr. President: The secretary will read the resolution.
Mr. Secretary: (Reading)

RESOLVED that any member having a prepared speech of which he is proud and which he desires to have perpetuated, be given leave to file a typewritten copy of the same, prepared at his own expense, with the secretary of the convention, to be published in the journal.

Be it further resolved that the secretary be authorized to insert at such intervals as he may deem proper, in said speech these words in parenthesis, "hear", "hear", "applause," "loud applause," "laughter," etc. (Laughter).
Mr. President: It is understood that if any member has

any matter that he desires to be inserted in the journal that he may secure a typewritten copy of the same and file with the clerk.
Mr. Ellinwood: Mr. President, I move that the resolution be referred to the committee on ordinance.
Mr. Sims (Cochise): I second that motion.
The motion prevailed.
Mr. Crutchfield: Mr. President, the committee on preamble have a report to offer. (Reading).

Mr. President and Members of the Constitutional Convention:

We, your Committee on Preamble and Declaration of Rights, begs leave to unanimously submit the following Preamble as Report No. 1 of this Committee:

PREAMBLE.

"We, the People of Arizona, invoking the guidance of the Supreme Being, do ordain and establish this Constitution in order to perpetuate liberty and justice in our state, and provide for the peace and welfare of posterity."

(Signed) James E. Crutchfield,
Chairman.

Mr. President: Proposition No. 1 first reading.
Mr. Webb: I have a proposition to introduce. The secretary will please read it.
Mr. President: The secretary will please read.
Secretary. Proposition No. 2 introduced by Mr. Webb of Graham County. Relative to State Boundaries.
Mr. Webb: Mr. President, I have a proposition to offer, will the secretary please read it.
Mr. President: The secretary will read the proposition.
Mr. Secretary: (Reading) Proposition No. 3 introduced by Mr. Webb of Graham County. Relative to Religious Toleration.
Mr. President: First reading. If there are no objections the proposition will be referred to the committee on printing and clerks and 500 copies ordered printed.
Mr. Cobb: Mr. President, inasmuch as Mr. J. B. Murphy is unable to continue his work as a clerk of the convention, and has resigned his position, I move that Miss Clara Freestone be retained as a clerk in his place. Miss Freestone is a stenographer and typewriter and capable of holding the position.
Mr. Weinberger: I second that motion.
The motion prevailed.
Mr. Webb: Mr. President, I move that the committee on rules and procedure be authorized, empowered and instructed to enter into a contract to secure a verbatim report of the proceedings of the convention.
Mr. Crutchfield: I second that motion.
Mr. Wood: Roll call please.
Mr. President: The secretary will please call the roll.
Roll call showed 28 ayes, 19 nays.
Mr. President: The motion is carried.
Mr. Crutchfield: I move that the convention take a thirty minute recess.
Mr. Moeur: I second that motion.
Mr. President: If there are no objections the convention will now take a recess.
Convention stood at recess.

Mr. President: Will the convention please come to order. What is the further pleasure of the convention? We have gone through the order of business.
Mr. Cobb: I move that the convention adjourn until Monday morning at 9 o'clock. I understand that several committees desire to hold their meetings this afternoon.
Mr. White: I second that motion.
The motion prevailed.
Convention adjourned to 9 a.m. October 17, 1910.

October 17, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Prayer by chaplain.
Mr. President: We will now have the reading of the minutes.
Minutes read and approved.
Mr. President: I am requested to give notice that all Sir Knights will meet this evening in the Elks theatre.
Mr. Cunniff: Mr. President, I would like to introduce several propositions.
Mr. President: I would suggest that members introducing propositions label each proposition.
Mr. President: There are two communications I would like to read.
Secretary: (Reading)

"Veteran Home, Cal., October 14, 1910.

To the President of the Constitutional Convention,
Phoenix, Arizona.

Sir: Permit me to call your attention to the advisableness of providing in your new Constitution, that no law enacted by the legislature and approved by the Governor shall be declared void by any court except the Supreme Court and then only when all the Judges agree that the law is Unconstitutional.

Had such a provision been inserted in the federal and all the State Constitutions, the country would have been spared many wrong and some disgraceful decisions.

If the power to annul the acts of the other two departments of the Government be given the Judiciary is it not reasonable that so great a power shall only be exercised by the whole Court and not by a part.

Respectfully,
Geo. N. Houghton."

Mr. President: If there are no objections the letter will be referred to the committee on judiciary.
Mr. President: The secretary will read the other communication.
Mr. Secretary: (Reading)

"Globe, Arizona, October 1,1910.

Hon. Geo. W.P. Hunt,
Gila County, Arizona.

Dear Sir: A number of communications from delegates to the Arizona Constitutional Convention having been received by labor unions of the Globe District, asking for expressions from the unions in regard to such measures as the union desires to have embodied in the constitution of Arizona, there was a joint meeting of committees from different unions held in the miner's Union Hall, Globe, Ariz., Oct. 1st, 1910, to act upon the matter in behalf of the various unions.

After due discussion, and on motions made, seconded, and in each instance unanimously carried, the meeting endorsed the following measures; their action to be subject to the approval of the different unions and the approval of the unions to be shown by the placing on this letter the seals of the unions;

First- The Initiative and Referendum and the Recall, as embodied in the constitution of Oregon.

Second- The right of the state to engage in industrial pursuits, subject to approval by vote of the people; provided, however, that there shall be no competitive convict labor.

Third- An anti injunction provision, limiting the indiscriminate use of injunction.

Fourth- The selection of the United States Senators by direct vote of the people.

Fifth- That provision be made for amendment of the constitution by majority vote of the people.

These measures are endorsed by the unions of the Globe District, as attested by the signatures and seals hereto affixed and all Delegates to the Arizona Constitutional Convention are respectfully requested to work for ,the adoption of these measures by the convention.

Signed by members of Mine
Unions of Globe, Arizona."

Mr. President: We will now have the reading of the propositions.
Secretary: (Reading) Proposition No. 4 Introduced by Mr. A. C. Baker of Maricopa County, Relative to Initiative and Referendum.
Mr. President: First reading of the proposition. It will go to the committee on printing and clerks and 500 copies ordered printed.
Secretary: (reading) Proposition No. 5 Introduced by Mr. A. C. Baker of Maricopa County, Relative to Preamble.
Mr. President: First reading of the proposition. It will go to the committee on printing and clerks and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 6, Introduced by Mr. Cassidy of Maricopa County, Relative to Legislative Department.
Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 7 Introduced by Mr. Cunniff of Yavapai County, Relative to Legislative Powers.
Mr. President: First reading of the proposition. Referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 8, Introduced by Mr. Cunniff of Yavapai County, Relative to Validating

Existing Territorial Laws.
Mr. President: First reading of the proposition. It will be referred to the committee on printing, and 500 copies ordered printed.
Secretary: (reading) Proposition No. 9, Introduced by Mr. Cunniff of Yavapai County. Relative to a Legal Day in all State Works.
Mr. President: First reading of the proposition. It will be referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 10. Introduced by Mr. Cunniff; Yavapai County, Relative to Loaning of the State Credit.
Mr. President: First reading of the proposition. It will be referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 11. Introduced by Mr. Cunniff of Yavapai County. Relative to Exemption from Taxation.
Mr. President: First reading of proposition. It will be referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 1
Mr. Ellinwood: Mr. President, I understood that before the second reading of the proposition, that we were to have the printed copies on our desks.
Mr. Winsor: Mr. President, this is the proposition on Preamble and the Preamble was not ordered printed.
Mr. President: I thought that the proposition on Preamble was ordered printed and should now be here.
Mr. Crutchfield: I beg to disagree with the gentleman from Yuma. I think that the proposition on Preamble was ordered to be referred to the printing committee and 500 copies ordered printed.
Mr. Webb: Mr. President, what does the secretary's record say?
Secretary: There was no order for the printing of the proposition on the Preamble.
Mr. Winsor: Mr. President, I move that 500 copies of Proposition No. 1 be printed.
Mr. President: If there are no objections it will be referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 2. Introduced by Mr. Webb of Graham County, Relative to State Boundaries.
Mr. Cunniff: I move that the proposition be referred to the committee on federal relations.
Mr. President: It is so ordered.
Mr. President: Gentlemen, what is the further business of the convention?
Mr. Cassidy: Mr. President, in drafting the constitution there will probably arise the question of apportionment for members of the legislature and other matters. It is necessary to know the population of the different counties. I move that the president of the convention secure from the director of the census the population of the different counties in Arizona for the use of the convention.
Mr. Feeney: Mr. President, I second that motion.
The motion prevailed.
Mr. Short: Mr. President, I desire to submit an amendment to the rules in Subdivision (b), Rule 53, by inserting after the words "day of reference" the words "legal holidays and Sundays."
Mr. Crutchfield: Mr. President, I do not understand the motion.

Mr. President: The secretary will read the proposed amendment.
Secretary: (reading) I move to amend Subdivision (b), Rule 53, by inserting after the words "day of reference" the words "legal holidays and Sundays."
Mr. President: I hear no second.
Mr. Ingraham: I second the motion.
Mr. Webb: Mr. President, if I understood Rule 39, Mr. Short's motion to amend is not in the regular order of business, but rather it is a breach of that rule, and this proposed amendment should come in the regular order of business.
Mr. President: The amendment will come tomorrow in the regular order of business.
Mr. Cunniff: As Mr. McGillen has resigned his position as clerk, I move that Miss Edith Whitaker be substituted in his place.
Mr. Webb: I second that motion.
The motion prevailed.
Mr. Webb: Mr. President, I now ask unanimous consent to revert to the order of business, introduction of propositions.
Mr. President: If there is no objection we will revert to the order of business, introduction of propositions.
Mr. Cunniff: I would ask unanimous consent to submit another proposition.
Mr. President: If there are no objections, Mr. Cunniff of Yavapai will also be given permission to submit another proposition.
Mr. President: The secretary will please read the propositions on the desk.
Secretary: (Reading) Proposition No. 12. Introduced by Mr. Webb of Graham County. Relative to Labor.
Mr. President: First reading of the proposition. It is referred to the committee on printing and 500 copies ordered printed.
Mr. Webb: Mr. President, I have a proposition to introduce.
Secretary: (Reading) Proposition No. 13. Introduced by Mr. Webb of Graham County. Relative to Public Lands.
Mr. President: First reading of the proposition. It is referred to the committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 14. Introduced by Mr. M. G. Cunniff of Yavapai County. Relative to Constitutional Amendments.
Mr. President: First reading of the proposition. It is referred to the committee on printing and 500 copies ordered printed.
Mr. Winsor: Mr. President, I ask unanimous consent to return to reports of standing committees.
Mr. President: If there are no objections we will hear reports of standing committees.
Mr. Winsor: Mr. President, the committee on rules begs leave to report that a second bid has been received from Mr. O'Neil of Phoenix. Mr. O'Neil's bid is as follows:

"Thirty Dollars ($30) per diem for thirty days. He will furnish four folios per day at twenty cents per folio. For a longer session than thirty days, Thirty Dollars ($30) per diem.

This amounts to approximately Three Thousand Five Hundred Dollars ($3,500.00). This amount together with the printing of the report, which will be about Seven Thousand Dollars ($7,000), will make about Ten Thousand

Dollars ($10,000) for the entire session, provided we hold a thirty day session.

Your committee on rules does not care to enter into any contract unless it is by the order of the members of the convention.
Mr. Franklin: Mr. President, I would like to say that there are some Phoenix reporters that would like to bid on this work, and I move that they be given an opportunity to bid.
Mr. Simms, R.B.: I would like to know what the additional cost would be if this convention remained in session forty or fifty days?
Mr. Moeur: Mr. President, I move that this question be made a special order of business for this afternoon.
Mr. Cobb: I second the motion.
The motion prevailed.
Mr. President: Gentlemen, we have cleared up the business on the table.
Mr. Baker: Mr. President, I move that we adjourn until 2 p.m.
Mr. Osborn: I second that motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

By order of the convention verbatim report was dispensed with at noon on October 17 and was not resumed until noon, October 19; hence the omission in this report.

October 19, 1910. 2 p.m.

Mr. President: Convention will please come to order.
A quorum present.
Mr. President: Introduction of propositions.
Mr. Jones, A.M.: I have a proposition to introduce.
Secretary: (Reading) Proposition No. 56 Introduced by Mr. Ellinwood of Cochise County. Relative to the Prohibition of Poll Taxes for County or State Road Purposes.
Mr. President: First reading of proposition. Referred to committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 57 Introduced by Mr. Coker of Pinal County. Relative to Official Fees and Salaries. Mr. President: First reading of the proposition. Referred to committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 58 Introduced by Mr. Coker of Pinal County. Relative to Corporation Commission.
Mr. President: First reading of the proposition. Referred to committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 59 Introduced by Mr. Coker of Pinal County, Relative to Taxation.
Mr. President: First reading of the proposition. Referred to committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 60. Introduced by Mr. Webb of Graham County, Relative to Practice of Medicine.
Mr. President: First reading of the proposition. Referred to committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 61. Introduced by Mr. A. M. Jones of Yavapai County. Relative to Qualifications of Sheriffs, Deputy Sheriffs and other Police Officers.

Mr. President: First reading of the proposition. Referred to the committee on printing and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 62 Introduced by Mr. Keegan of Gila County. Relative to salaries of State and County Officers.
Mr. President: First reading of the proposition. Referred to the committee on printing and 500 copies ordered printed.
Mr. Short: Mr. President, if there is no objection I would like to know the sense of the convention as to the number of copies that are to be printed of each proposition introduced.
Mr. President: If there is no objection the convention will stand adjourned subject to the call of the gavel.

Mr. President: Convention will come to order.
Mr. Crutchfield: I have a resolution to offer.
Secretary: (reading) Resolution No. 6.

WHEREAS, the Panama Canal now in process of construction will have been completed in the year 1915, uniting the waters of the Pacific and Atlantic Oceans, and

WHEREAS, there is an unanimous sentiment that the completion of this gigantic work should be celebrated in a most fitting and memorable manner, therefore be it

RESOLVED, that we most heartily indorse the proposed Panama Pacific International Exposition to be held in San Francisco, Calif., in 1915. We are confident Arizona will heartily co-operate to make the exposition a success.

Secretary: (reading) Proposition No. 63 Introduced by Mr. Cunniff of Yavapai County. Relative to Violations of Injunction Powers of Courts.
Mr. President: First reading of the proposition. Referred to committee on printing and 500copies ordered printed.
Secretary: (reading) Proposition No. 64 Introduced by Mr. Bolan of Cochise County. Relative to Inspection of Mines.
Mr. President: First reading of the proposition. Referred to committee on printing and 500 copies ordered printed.
Mr. President: Any other business to come before the convention?
Mr. Short: Mr. President, for the information of the convention I would like to say that the lowest bid the printing committee has received for the printing of 250 propositions is $1.25 per page. The lowest reasonable bid we have received for printing 500 copies is $3.00 per page. The difference between 250 copies and 500 copies is $1.75 per page.
Mr. Webb: Mr. President, we beg to ask if the committee has a bid for the 250 and 500 copies from the same party, or from different parties?
Mr. Short: I think it is very probablethat we can get figures on 500 copies since we have received the bid on 250. The reason we asked for a bid on 250 was on the suggestion of the Secretary of the Territory, who advises that he considers 500 rather an unusual number; more than we would probably need.
Mr. Cunningham: I suggest that a committee be appointed

to enter into discussion with the Secretary of the Territory concerning the printing of 500 copies.
Mr. Baker: I cannot see the necessity of visiting the gentleman in question. If the report of the gentleman from Yuma is correct, he has already arrived at the conclusion that he will not approve bills for 500 copies for the use of our convention. All I can say is to leave him where he is. As a lawyer, I doubt his power, and I am not willing to accept it either.
Mr. Webb: I move that 500 copies be ordered printed regardless of what Mr. Young thinks, and that the printing committee make a contract with the lowest bidder for 500 copies.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Baker, Chairman of the Special Committee on Power made the following report:

To the Constitutional Convention of Arizona:

Your special committee appointed to report upon the power of the convention to order propositions submitted to your convention to be printed, hereby report that in its opinion this convention has the right and power to order and cause to be printed any reasonable number of any proposition the convention may think proper, and that the cost of such printing will be a legal charge against the funds appropriated by congress for the purposes incidental to the holding of this convention.

A. C. Baker, Chairman.

Mr. Short, Chairman of the Committee on Printing and Clerks reported that his committee had received bids for the printing of propositions as follows: For 150 copies, $1.00 per page; 250 copies $1.25 per page; 500 copies $3.00 per page.
Mr. Tuthill moved, seconded by Mr. Wills, that the committee on Printing and Clerks be authorized to make a contract with the lowest bidder on a basis of 500 copies of each proposition. Carried.
On motion of Mr. Osborn, convention adjourned to 9 A.M. October 20, 1910.

October 20, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Prayer by the Chaplain.
Minutes read and approved.
Mr. Parsons: Mr. President, I have a report to offer.
Secretary: (reading) Phoenix, Arizona, Oct. 20, 1910.
Mr. President: Your committee on Federal Relations, to whom waw referred Proposition No. 2, defining boundaries of the State of Arizona, respectfully submit the following report:

Your committee having investigated this matter in the office of the Surveyor General and having received the assistance of that official in its efforts is satisfied that the boundaries as described in said Proposition No. 2 are correct; and we therefore recommend the adoption of said Proposition No. 2 without alteration or amendment.

A. F. Parsons, Chairman.

I concur, Ed. W. Wells.

Mr. President: What will you do with the report?

Mr. Winsor: I move that the rules be suspended and that Proposition No. 2 be read a third time, and placed on final passage.

Mr. Cunningham: I second the motion.

The motion prevailed.

Mr. Webb: I move that Proposition No. 2 be recommitted to the committee on Federal Relations.

Mr. President: If there are no objections Proposition No. 2 will be recommitted to Committee on Federal Relations.

Mr. Kingan: Mr. President, I understand that congress has fixed the boundaries of this Territory and that there is no other authority except the supreme court that can alter or make any decision in the matter of boundaries or disputes over boundaries between states. I think there is nothing else to do but accept the decisions of congress of the United States, and I can see no use of referring the matter to the secretary of the interior.

Mr. Parsons: I am informed that we have to regard the boundaries as they are now fixed by congress as correct and final without any reference or consideration of any disputes that may have arisen, for this is a matter for the Supreme Court to decide.

Mr. Ingraham: As far as the Yuma delegation is concerned we are here by virtue of several hundred votes and despite the decisions of any state in the matter of this so-called dispute, we are adverse to giving up the land that is under dispute, and we cannot do so.

Mr. Franklin: I do not now recall that the boundaries of any other states are under dispute, except those of California and Arizona, but I agree with the gentleman from Pima that it is a matter for the Supeme Court of the United States to decide, and the boundaries already fixed by congress are the boundaries that will define the limits of the State of Arizona, and we can only accept those boundaries.

Mr. President: The motion before the convention is to recommit Proposition No. 2.

Mr. Ingraham: Roll call.

Secretary: Mr. Baker.

Mr. Baker: Here. Mr. President, inasmuch as I am uncertain, I had better vote no.

Mr. Ellinwood: The motion to recommit is before the house, and the vote for the final passage is called for. It is very important, to my mind that in cases where there are disputes over a boundary at the time of the making of a state constitution, we should have the boundary clearly defined.

Mr. Baker: It seems to me that the state boundaries should be set forth for the state as they are for the territory. I agree with the gentleman from Pima. I believe that any disputes that arise must be decided by the Supreme Court of the United States. I think that the boundaries set forth for the territory should also be defined in the state constitution.

Mr. Winsor: Some of the members of the convention seem to be laboring under a misapprehension. This vote is not final and there is ample time to make such corrections after the proposition returns from the committee on style, revision and compilation.

Mr. Cunniff: What is the use of the members debating the matter of the boundaries when they are subject to the decisions of the Supreme Court. The only thing

we can do is to take them as we have them defined for the present territory. The committee on style, revision and compilation will not change the boundaries, as that should be done by the committee to whom the proposition is referred for such corrections.
Mr. Kingan: I do not know of any other means to determine this matter. If congress has fixed the boundaries that is the end of it and it is useless to refer it to anyone.
Mr. Cunniff: I should say that it should be the state department instead of the interior department.
Mr. Baker: The boundaries of Arizona is a very important matter. There is no chance for dispute in this matter. I do not believe it necessary to be in haste in the matter as it can be decided as late as two weeks from this date, or longer, and since it seems uncertain I move that it be brought up again as it can do no harm to consider the matter fully. We should at least know the exact boundaries ourselves as they are defined in state constitution.
Mr. President: If there are no objections Proposition No. 2 will be referred to the committee on Federal Relations. So ordered.
Mr. President: Introduction of Propositions.
Secretary: (reading) Proposition No. 65. Introduced by Mr. A. F. Parsons of Cochise County. Relative to Exemption of Certain Property from Taxation.
Mr. President: First reading of the proposition; Referred to the printing committee and the usual number of copies ordered printed.
Mr. Osborn: I would like to have the unanimous consent of the convention to withdraw the amendment which I proposed yesterday.
Mr. President: If there are no objections it will be withdrawn.
Mr. President; Second reading of propositions.
Secretary: (reading) Proposition No. 5 Introduced by Mr. Baker. Relative to Preamble.
Mr. President: Second reading of the proposition.
Mr. Cunniff: Mr. President, I move that it be referred to the committee on preamble and declaration of rights.
Mr. President: If there are no objections it will be referred to the committee on preamble and declaration of rights.
Secretary: (reading) Proposition No. 7. Introduced by Mr. Cunniff of Yavapai. Relative to Legislative Powers.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Mr. Wells: Mr. President, I understood that on the second reading the propositions were not to be read in full, but just by title.
Mr. President: Under the rules, the proposition on the second reading must be read in full, although a vote of the members to dispense with it can be had if they so desire.
Mr. Winsor: If we are to dispense with the reading of any propositions I would suggest that it be the first reading rather than the second.
Secretary: (reading) Proposition No. 8 Introduced by Mr. Cunniff. Relative to Validating Existing Territorial Laws.
Mr. President: Second reading of the proposition. It will be referred to the committee on Schedule, Mode of Amending and Miscellaneous.

Secretary: (reading) Proposition No. 9 Introduced by Mr. Cunniff. Relative to a Legal Day in all State Works.
Mr. President: Second Reading of the proposition. If there are no objections it will be referred to the committee on labor.
Secretary: (reading) Proposition No..10 introduced by Mr. Cunniff. Relative to Loaning of the State's Credit.
Mr. President: Second reading of the proposition. It will be referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 11. Introduced by Mr. Cunniff. Relative to Exemption from Taxation.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 12 Introduced by Mr. Webb. Relative to Labor.
Mr. President: Second reading of the proposition; to be referred to the committee on labor.
Secretary: (reading) Proposition No. 13 Introduced by Mr. Webb. Relative to Public Land.
Mr. President: Second reading of Proposition; referred to committee on State and school lands.
Secretary: (reading) Proposition No. 14 Introduced by M. G. Cunniff. Relative to Constitutional Amendments.
Mr. President: Second reading of the proposition. It will be referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 16 Introduced by Mr. R. B. Simms. Relative to School Lands.
Mr. President: Second reading of proposition. It will be referred to committee on State and school lands.
Mr. Baker: Mr. President, I would like to know where proposition No. 4 is now on the calendar. It has not been printed and placed on the desk that I know of, or I have no record of it if it has come back, nor have I seen it on the calendar for the day.
Mr. Short: Mr. President, the bills that are rather long were not printed on first order and-as the printing has been delayed No. 4 has not yet been returned.
Mr. Baker: Mr. President, I think that these bills should be kept in their proper order and read as nearly so as possible.
Mr. President: I understand that they will all be back from the printer in the morning.
Mr. President: Business lying on the president's desk. The secretary will please read this communication.
Secretary: (reading)

Phoenix, Arizona, October 20,1910.

To the Honorable,
The President and Gentlemen of the
Arizona Constitutional Convention.

The basis and cause of this communication is the Critic's comment on the latest little drame. Of its name I am not certain whether a "Tempest in a Teapot", or "Much Ado about Nothing".

Anyway it has to do with your Honorable Printing Committee, in this instance, and myself.

Permit me to say it was the unanimous opinion of your Honorable Printing Committee, that one hundred and fifty copies should be the minimum and two hundred fifty copies should be the maximum printed of any advanced, advised, suggested or adopted so termed Bill or Constitutional Clauses. This Committee as your representative, and with it I agreed.

Now, Gentlemen, it has been my endeavor and the same motive governs all of my assistants to make everything as fullsome, agreeable and comfortable as possible, for each and all of you. In this matter of printing and supplies, however, you Gentlemen of the Convention as well as myself, are up against a little matter of the "Peezeness" of business.

I am not a free agent in these matters. You can order as much supplies as you wish, all the printing you wish, anything and any quantity is perfectly agreeable to me, but it must be secured in this manner, as follows, to-wit:

All supplies or printing must be let to the lowest competitive bidder. All bids must be submitted to me for approval and acceptance. After such bills are created by such procedure, the vouchers must be approved by both the president of the Council and myself, and filed in this office as a protection for any check issued by me for such work.

For your information I take the pleasure in herewith quoting you a telegram signed by the Honorable, the Secretary of the Interior, as follows:

"Washington, D.C. Oct. 18-10. The Sect'y of Arizona, Phoenix. All contracts for bids must be awarded after competitive bids therefore the work may be done through committees of the Constitutional Convention or through your office as may be most advantageous but in every case the award must be approved by yourself.

(Signed) Ballinger,
Sect'y.

Individually and personally, Gentlemen, with me it would be a pleasure to furnish you anything you desire, which money can purchase, but in the matter of signing checks against this Government fund, its all different. I haven't lost anything over in Florence and I never had the least desire to move my residence to Leavenworth, Kansas.

Very sincerely yours,
George U. Young,
Sec. of Territory of Arizona.

Mr. Baker: I notice that the Secretary does not refer to the possibility of San Quinten prison. (Laughter)
Mr. Short: Mr. President, I want to state that it was not the desire of the printing committee to go to the office of the Secretary, but he called us to his office and when he addressed us on this matter he backed off against the wall, and said that he would not sign checks against the government for the printing of such an excessive number of copies as we had ordered. Personally, I stated that I did not think it was necessary to have so many copies printed, but we were not acting on our own wishes but according to the wishes and desires ofthe convention.
Mr. President: Other business of the convention. Gentlemen, are there any committee meetings?
Mr. Winsor: Mr. President, I move that the convention take a recess until 2 p.m.
Mr. Osborn: I second that motion.
The motion prevailed.
Convention stood atrecess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will please come to order. There is a quorum present.
Mr. Jones of Maricopa: The committee on clerks finds

that in order to have as correct a report of the convention as possible, it will be necessary to have three stenographers. That was the decision reached by the official reporters, who figured on the work. If the convention will authorize it the committee would like to appoint another stenographer, who has been recommended as efficient. I move that the committee be authorized to employ another stenographer.
Mr. Osborn: Mr. President, I second that motion.
The motion prevailed.
Mr. Ellinwood: Believing that this able body of men is entitled to the first information on the subject, I rise to say that Mr. Dunbar of "The Democrat" has handed me a special dispatch from Washington, D. C., to be read from the desk.
Secretary: (reading)

"Washington, D.C. Oct. 20, 1910.

The population of Arizona Territory as announced by the census bureau today is 204, 354. This is an increase since 1900 of 81, 243 or 66.2 per cent. The census returns from the Arizona Counties show their population as follows: Apache 9,196; Cochise 34, 591; Coconino 8,130; Gila 16,780; Graham 23,547; Maricopa 34,488; Mohave 3,773; Navajo 11,471; Pima 28,180; Pinal 9,045; Santa Cruz 6,766; Yavapai 15,996; Yuma 7,733.
Mr. Baker: Mr. President, I desire to rise in my place to speak on a question of personal privilege. I have in my mind an issue, a paper known as the "Daily Globe" of date, Tuesday, October 18, 1910, in which I find the following language in an article published in that paper, pertaining to myself, individually as a member of this convention, and to other members of this honorable body, and the language to which I refer is as follows: "And talking about soreheads, there certainly are some in the convention; notably Webb of Graham, who aspired to the presidency and never got a chairmanship; Franklin of Maricopa, Baker of the same shire and a few others. President Hunt evidently took the view that they would be able to accomplish more good unhampered by a chairmanship."
Mr. President; had I noticed this language or communication in the press ordinarily, I should have paid no attention to it whatever, but I find that this communica- upon its face, apparently eminates from a gentleman, who was given my vote and by the entire vote of this honorable body has been allowed great personal privileges upon this floor with us, and who is to draw a salary by virtue of the unanimous vote of this convention.

The gentleman whom I refer to is the private secretary to the president of this convention, and his name is A. A. Cohn. No, Mr. President, I regret such language, such a communication of that kind, coming from that source, and it is wholly unwarranted, is unseemly, ungracious and uncalled for. I wish to add to that the statement, that sofar as I am personally concerned, it is absolutely false and untrue.

I appeal to my brother members of this convention, if by my conduct as a member of this honorable body, if by a single vote, if by a single speech I have made, or act of mine, in attempting to serve the people's interests in this honorable body that I have exhibited the slightest spirit or disposition to be a sorehead; I am conscious of the fact that I have deliberately here attempted, coolly, dispassionately, and with a single eye and with a deliberate heart to act for the best interests of the people of this territory in this convention, without any hope of honors from this convention. I realize that I was sent to this convention, not to grow in personal aggrandizement at the hands of my brother members, but simply as a hard workkng member of the convention and I hope when the end of this convention shall come, I shall be able to bear away the good feelings of my fellow members in this convention.

I say "sorehead" is a political term. I had the honor of making the opening speech. But I want to say Mr. President, that if the president's private secretary sees fit to use this kind of language without any cause in any shape or form, that man is a drawback to the Democratic party. I have been further informed that he was chief cook and high bottle washer to Hoval Smith in a recent campaign.

I accord the president, the privilege and right to appoint any one his private secretary, but I do deny and assert that when the private secretary of the president will use terms to members in this sort of a way without anything to support it, it is unseemly, uncalled for and unjustifiable.

Mr. Franklin: (Maricopa) I desire to rise also on the question of personal privilege and in doing this, I bow most humbly to this august body. I believe that the noble idea of the gentleman who has just preceded me will be subserved in this convention and will be honored by us. I believe when I say this that we have an honorable president, who will accord him the due honor whenever he merits it, and in every instance he will appreciate that honor, and will serve well the entire people of this territory, who have honored us with this distinction.

I am also mentioned in this article as a "sorehead" and I wish to repudiate it. It is an atrocious and unfounded insinuation and ought not to come from this hall, where we are called to do a great duty without favor, and I stand here to tell you gentlemen that I have not rushed in here with a proposition. I am willing when this constitution is finished and the conventional act is passed, to accord that to the people of Arizona and those who participate in it here. It is true that I was an aspirant to the presidency of this convention, but I do not believe that was cause for such statements from any source, but I wish to say, Mr. President, that you are placed in a compromising position, coming from the source it does; from a man elected by my vote and the votes of this convention. I would deeply deplore it on that account, as it reflects on the president and this convention. Whenever I propose a measure here, I propose it on its merits. No member will ever find me doing anything, but voting on all measures as I believe to be right and I shall do it with a free hand and without favor and when the convention closes, the people will see that the pledge made has been fulfilled.

Mr. President: I, too, deeply deplore this matter. Some of the republican members of this territory have said that I have shown preference in selecting the chairmen of the committees, but each and every gentleman knows that I have asked each of them, which committee they preferred to be on. Mr. Baker told me that he was physically unable to take care of a committee. I have not read the newspaper article,

but because Mr. Cohn did valiant service in the recent political campaign, I considered him worthy, and I trust that the article eminating from the Globe paper will be retracted in a gracious manner.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 66 Introduced by Mr. Orme of Maricopa County. Relative to Water and Water Rights.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 67 Introduced by Mr. C. M. Roberts of Cochise County. Relative to Banks and Banking.
Mr. President: First reading of the proposition; referred to the committee on printing and the usual number of copies ordered printed.
Secretary: (reading) Proposition No. 68. Introduced by Mr. Lynch of Graham County. Relative to Criminal Prosecution.
Mr. President: First reading of the proposition; referred to the committee on printing and the usual number of copies ordered printed.
Secretary: (reading) Proposition No. 69. Introduced by Mr. Coker of Pinal County Relative to the Judiciary Department.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. Ellinwood: Mr. President, I would like to ask by whom this was introduced?
Secretary: (reading) Introduced by Mr. Coker.
Secretary: (reading) Proposition No. 70 Introduced by Mr. Winsor of Yuma County. Relative to Publicity of Campaign Contributions.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. Osborn: Mr. President, I move we adjourn until tomorrow morning.
Mr. Cobb: I second the motion.
Motion prevailed.
Convention adjourned to 9 A.M. October 21, 1910.

October 21, 1910. 9 A.M.

Mr. President: The convention will please come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will please rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: The secretary will please read the minutes.
Minutes read and approved.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 71 Introduced by Mr. Thomas Feeney of Cochise County. Relative to Bill of Rights.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 72. Introduced by Mr. Ellinwood of Cochise County. Relative to the Enactment of a Compulsory Workmen's Compensation Law,

Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. Roberts: Committee No. 10 will meet in this room at 11 a.m.
Mr. Winsor: Mr. President, inasmuch as we have been delayed in the reports of the various committees for a week, I move that we now have a report of the printing committee. I would like to know what is being done by the committee and the expense to be incurred, now that we have ordered the printing of the propositions.
Mr. Cunniff: Mr. President, I would like to have a report from the committee on finance and expense. I think that committee should work in harmony and hold frequent conferences with the printing committee.
Mr. Jones of Maricopa: Mr. President, there has been some delay in the printing due to the uncertainty of the matter, as you will know. There has also been a delay in getting bids for the printing. The propositions that were introduced yesterday and some of those previous to that will all be in by noon or a little afternoon today, I believe. Several propositions were rather long and they were postponed for the shorter ones.
Mr. Tuthill: Mr. President, if there is nothing more to be done, I move that we adjourn until tomorrow morning, as I believe there are several committee meetings to be held today.
On roll call the motion was lost.
Mr. Jones of Yavapai: I move that the convention take a recess until 2 p.m.
Mr. Simms: I second that motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. There is a quorum present.
Secretary: (reading) Memorial No. 1 Introduced by Mr. Webb of Graham County Relative to School Lands.
Mr. Webb: As this is a matter of considerable importance, and one upon which there is a variety of opinion, I would suggest that the memorial be referred to the printing committee and 500 copies ordered printed.
Mr. President: It is so ordered.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 73 Introduced by Mr. Simms of Graham County Relative to Education.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (Reading) Proposition No. 74 Introduced by Mr. Fred T. Colter of Apache County Relative to Suffrage.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 75 Introduced by Mr. Fred T. Colter of Apache County Relative to Public Health.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 76 Introduced by Mr. Connelly of Cochise County Relative to Department of Labor.

Mr. President: First reading of the proposition; referred to the committee on printing ~~and 500~~ copies ordered printed.

Secretary: (reading) Proposition No. 77 Introduced by Mr. Thomas Feeney of Cochise County Relative to Militia and Public Defense.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Mr. President: Second reading of propositions.

Mr. Winsor: I would like to inquire if we have had a report from the printing committee within the last one or two hours. We are now about to consider a proposition that was introduced some time ago, yet several propositions have been printed and were introduced after this one. One of mine has not yet been printed though I offered it some time before several that have been printed.

Mr. Short: I would like to learn the number of the proposition in question. Is it No. 7? I notice that Nos. 17 and 18 have been returned. The delay in printing No. 7 may be on account of it being a longer proposition. No. 4 and No. 6 were each long propositions and could not be printed as early as the short ones, but they will probably be in this afternoon.

Secretary: (reading) Proposition No. 4 Introduced by Mr. A. C. Baker of Maricopa Relative to Initiative and Referendum.

Mr. President: Second reading of the proposition; referred to the committee on Legislative Department, Distribution of Powers and Apportionment.

Secretary: (reading) Proposition No. 6 Introduced by Mr. Cassidy of Maricopa Relative to Legislative Department.

Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.

Secretary: (reading) Proposition No. 15 Introduced by Mr. B. B. Moeur of Maricopa Relative to Education.

Mr. President: Second reading of the proposition; referred by the committee on education and public institutions.

Secretary: (reading) Proposition No. 18 Introduced by Mr. Weinberger of Gila County Relative to Recall of Public Officers.

Mr. President: Second reading of the proposition; referred to the committee on executive, impeachment and removal from office.

Secretary: (reading) Proposition No. 19 Introduced by Mr. Parsons of Cochise County Relative to Federal Relations.

Mr. President: Second reading of the proposition; referred to the committee on ordinance.

Mr. President: If there are no objections we will revert to the first reading of propositions.

Secretary: (reading) Proposition No. 78 Introduced by Mr. John P. Orme of Maricopa County Relative to Public Lands.

Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.

Secretary: (reading Proposition No. 79 Introduced by Mr. Levin Relative to Recall of Public Officials.

Mr. Baker: The proposition just read is a verbatim copy of No. 18 which has already been printed; I therefore do not see the necessity of going to the expense of printing it again.

Secretary: The percentage is different.
Mr. Winsor: I move that the rules be suspended and Proposition No. 79 be referred to the committee on executive impeachment and removal from office.
The motion prevailed.
Mr. President: It will be referred to the committee on executive, impeachment and removal from office.
Mr. Cunniff: I move that the secretary be instructed to send to the constitutional convention of New Mexico a copy of each of our propositions, and that the secretary be further instructed to write a letter to the Secretary of the Constitutional Conventionof New Mexico notifying him that we have taken this action.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Jones of Maricopa: I see by the printed list of committees that the committee on railroads is to meet on Wednesday and Friday at 11 a.m. I would suggest that instead of 11 a.m. the meeting time be 3 p.m.
Mr. Feeney: I move that the privileges extended the press the other day be rescinded.
Mr. Osborn: I second that motion.
Mr. President : Are you ready for the question?
Mr. Feeney: I understand that some of the press representatives have been lobbying on the floor.
Mr. Crutchfield: It seems to me that an offense by one representative is not sufficient to cause us to pass judgment on all the press representatives, and I should not prefer any charge of this kind unless the offense is general. I move that this motion be tabled unless there are more than one or two offenders.
Mr. Feeney: I believe that the majority of the city's press representatives feel that their privileges have been interferred with, and they are sustaining my position in this matter.
Mr. Winsor: It was my resolution that excluded all but representatives and attaches from this floor, and I am certainly in favor of the provision. We have accorded the press the privilege of the floor during recess, but if there has been any lobbying I shall say to exclude them all.
Roll call showed ayes 29, nays 16.
Mr. President: The motion is carried.
Mr. Baker: Mr. President, I move that the convention adjourn until tomorrow morning.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention adjourned to 9 a.m. October 22, 1910.

October 22, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Prayer by the chaplain.
Mr. Short: Mr. President, the printing committee desires to report that propositions No. 4, 6 and 15 have been printed and returned.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 80 Introduced by Mr. Jones of Maricopa Relative to Officers Chosen and Appointed Deputies.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 81 Introduced by Mr. W. T. Webb of Graham County Relative to a Railroad Commission.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. President: Second reading of the propositions.
Secretary: (reading) Proposition No. 17 Introduced by Mr. Winsor of Yuma County.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 20.
Mr. President: Second reading of the proposition; referred to the Judiciary committee.
Secretary: (reading) Proposition No. 21.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 23.
Mr. President: Second reading of the proposition; referred to the committee on schedule, mode of amending and miscellaneous.
Secretary: (reading) Proposition No. 25.
Mr. President: Second reading of the proposition; referred to the committee on railroads.
Secretary: (reading) Proposition No. 27.
Mr. President: Second reading of the proposition; referred to the committee on matters for separate submission.
Secretary: (reading) Proposition No. 28.
Mr. President: Second reading of the proposition; referred to the committee on state and school lands.
Secretary: Mr. President, I have some new propositions.
Mr. President: If there are no objections we will go back to the introduction of propositions.
Secretary: (reading) Proposition No. 82 Introduced by Mr. Lynch of Graham County Relative to Judiciary.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. President: Third reading of Propositions.
Secretary: There is none.
Mr. Cunniff: Mr. President, I have a resolution. Will the secretary please read it?
Secretary: (reading) Resolution No. 7 by Mr. Cunniff of Yavapai County.

Resolved, that the standing committee on finance, accounts and expense shall examine and audit every item of expenditure connected with this convention, and report to the convention at least weekly the financial condition of the convention.

Mr. Cunniff: Mr. President, I move that the resolution be adopted.
Mr. Jones of Yavapai: I second that motion.
The resolution was adopted.
Mr. President: Other business of the convention.
Mr. Orme: There will be a committee meeting on irrigation and water rights at 11 a.m.
Mr. Keegan: There will be a meeting of the committee on public debt at 1 p.m.
Mr. Webb: Mr. President, Mr. J. M. Foster, one of the clerks who was assigned from Graham County, was unexpectedly called away on business and cannot return, therefore, he has tendered his resignation. I move that we accept Mr. Foster's resignation and in his place appoint Mr. Mark Dunbar.
Mr. Simms: I second that motion.
The motion prevailed.

Mr. Winsor: There will be a meeting of the committee on legislation this morning.
Secretary: There is one more proposition on the desk.
Mr. President: If there are no objections, we will revert to the reading of new propositions.
Secretary: (reading) Proposition No. 83 Introduced by Mr. James E. Crutchfield of Maricopa County Relative to Taxation and Exemption.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. President: We have cleared up the business, gentlemen.
Mr. Winsor: Mr. President, I move that the convention adjourn until 2 p.m.
Mr. Goldwater: I second the motion of the gentleman from Yuma.
Mr. Baker: Mr. President, I move to amend the motion of the gentlman from Yuma that the convention adjourn until Monday morning at 9 a.m.
Mr. Franklin: I second the amendment of the gentleman from Maricopa.
Mr. President: Those in favor of the amendment to the original motion say aye and those opposed nay. I am in doubt. The secretary will please call the roll.
Roll call showed a vote of 24 ayes and 20 nays.
Mr. President: The motion is carried. The convention stands adjourned until 9 a.m. Monday morning.
Convention stood adjourned to 9 a.m. October 24, 1910.

October 24, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for prayer.
Prayer by the chaplain.
Mr. President: Reports of standing committees.
Mr. Wood: The committee on finance has a report to submit assoon as we are through with its examination.
Mr. President: Reports of select committees.
Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Nos. 22, 24, 26, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, and 56.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 84 Introduced by Mr. Sims of Graham County Relative to Homesteads and Exemption.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 85 Introduced by Mr. Cunningham of Cochise County Relative to Collection of Privilege License Taxes.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No.86 Introduced by Mr. Cunningham of Cochise County Relative to Privilege Licenses.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 87 Introduced by Mr. Cunningham of Cochise County Relative to Homesteads and Exemptions.

Mr. President: First reading of the proposition; referred to printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 88 Introduced by Mr. Cunniff; of Yavapai County Relative to Employer's Liability.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 89 Introduced by M. G. Cunniff of Yavapai County Relative to Alien Contract Labor.
Mr. President: First reading of the proposition; referred to the committee on printing and 500copies ordered printed.
Secretary: (reading) Proposition No. 90 Introduced by A. M. Jones of Yavapai County Relative to Direct Primary.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. President: Second reading of propositions.
Secretary: (reading) Proposition No. 22 Introduced by Mr. A. C. Baker of Maricopa County.
Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.
Secretary: (reading) Proposition No. 24 Introduced by Mr. Osborn of Maricopa County.
Mr. President: Second reading of the proposition; referred to the committee on executive, impeachment and removal from office.
Secretary: (reading) Proposition No. 26 Introduced by Mr. Alfred Franklin of Maricopa.
Mr. President: Second reading of the proposition; referred to the committee on matters for separate submission.
Secretary: (reading) Proposition No. 29 Introduced by Mr. Ellinwood of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.
Secretary: (reading) Proposition No. 30 Introduced by Mr. Jones of Maricopa County.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 31 Introduced by Mr. Jones of Maricopa County.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 32 Introduced by Mr. Short of Yuma County.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 33 Introduced by Mr. Short of Yuma County.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 34 Introduced by Mr. Short of Yuma County.
Mr. President: Second reading of the proposition; referred to the committee on railroads.
Secretary: (reading) Proposition No. 36 Introduced by

Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition; referred to the committee on public service corporations, other than railroads.

Secretary: (reading) Proposition No. 37 Introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.

Secretary: (reading) Proposition No. 39 Introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition; referred to the committee on labor.

Secretary: (reading) Proposition No. 42 Introduced by Mr. Orme of Maricopa County.

Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.

Mr. Orme: I desire to correct the reading of that proposition; one section seems to be left out and it makes a material change; it says, "anyone over the age of twenty-one" when it should read "any male citizen."

Secretary: It read "any person".

Mr. Winsor: I submit that Mr. Orme is on record here. It will take an amendment to make any change now.

Mr. Orme: Very well, I will make it later.

Secretary: (reading) Proposition No. 49 Introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the committee on militia and public defense.

Secretary: (reading) Proposition No. 53 Introduced by Mr. A. C. Baker of Maricopa County.

Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.

Secretary: (reading) Proposition No. 56 Introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation. If there is no objection it is so referred.

Mr. President: Any other propositions on the second reading?

Third reading? Business lying on the desk?

Secretary: I have a communication to read. It is as follows:

"Phoenix, Arizona, October 22, 1910.

To the Constitutional Convention,
Phoenix, Arizona.

Gentlemen:

It has been intimated that the recent action of the Convention barring the representatives of the press from the floor of the Convention was taken because of the mistaken apprehension that I had committed the offense of lobbying. I am glad to say that this is a misapprehension but in order that the representatives of the press may not lose their privileges because of any prejudice existing against one of the number, I hereby voluntarily resign my rights as editor of The Arizona Issue, and special correspondent of the Arizona Gazette, to any privileges which may be accorded to the representatives of any other papers.

Respectfully yours,
(Signed) W.M. Burke,
Editor of the Arizona Issue."

Mr. Ellinwood: I move that the letter be referred to the committee on rules.

Mr. Wood: The committee on finance has its report ready and I suggest that it be read.

Secretary: (reading)

"Mr. President:

Your committee on Finance, Accounts and Expense in an endeavor to comply with a resolution directing them to examine and audit every item of expenditure connected with this convention and report to the convention at least weekly the financial condition of the convention beg leave to submit the following report:

That they were unable to obtain many items for audit on account of the fact that complete returns of election and other expenses have not been made to the office of the Secretary of Arizona, but that they were courteously furnished with the best estimates at present obtainable from said office, and the assurance that accurate data would be furnished from said office as soon as possible to do so and which in some instances would be several weeks.

From all the estimates and other data obtainable, the committee submits the following itemized statement with the hope that it may be of some interest, if not instructive, to the convention.

Arranging Hall (approximate for session)	$ 200.00
16 Desks and Chairs (approximate	325.00
Rent for 11 typewriters (approximate for session)	120.00
Stationery and Supplies (approximate to date)	750.00
Janitors and Elevator Man (approximate for session)	600.00
Postage to date	200.00
Rent of Chambers (approximate for session)	750.00
Mileage	3,074.10
Pay roll of Members, October 15, 1910.	1,260.00
Pay roll of Attaches, October 15, 1910	625.00
Pay roll of Members, October 22, 1910	1,470.00
Pay roll of Attaches, October 22, 1910	1,131.00
Printing and Delivery of 31 Propositions, (73 pages) to October 22, at contract price allowed of $2.00	146.00
16 of the above propositions (47) pages, before present contract was effective at $1.25 per page additional	58.75
Sundry Printing other than Propositions to and including October 22, 1910	90.00
Total Convention Estimate to October 22, 1910	$10,799.85
Election expenses as estimated by the Secretary of Arizona from present date available,	30,000.00
Grand total estimate of Oct. 22,1910,	$40,799.85

Mr. Wood: Mr. President; I move that the report be adopted.

Mr. President: If there are no objections it is so adopted.

Mr. Simms: Mr. President, I move that the secretary make requisition on Mr. Young, Secretary of the Territory, for One Hundred Dollars worth of one cent stamps.

Mr. Winsor: I second that motion.

The motion prevailed.

Mr. President: Other business of the convention.

Mr. Winsor: I move that the convention take a recess until 2 p.m.

Mr. Cunniff: I second the motion.

Motion failed to pass.
Mr. Roberts: I move that the convention adjourn until 9 o'clock tomorrow morning.
Mr. Winsor: I don't think we need to adjourn to go to the circus as it would appear that we already had one here.
Mr. President: Any other business of the convention?
Mr. Cunniff: Do I understand that a motion is before the house?
Mr. President: Yes, the motion to adjourn to 9 a.m. tomorrow. Those in favor of the motion say aye.
Mr. Winsor: Roll call.
Roll call showed ayes 27, nays 22.
Mr. President: The ayes have it. The convention stands adjourned until tomorrow morning at 9 a.m.
Convention adjourned to 9 a.m., October 25, 1910.

October 25, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for prayer.
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Minutes read and approved.
Mr. President: Reports of standing committees.
Mr. Short: Mr. President, the committee on printing and clerks desires to report the printing and return of Propositions Nos. 35, 36, 44, 45, 46, 54, 55, 70, 78.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 91 Introduced by Mr. Alfred Kinney of Gila County Relative to employment of Alien Labor.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 92 Introduced by Mr. Alfred Kinney of Gila County Relative to Qualifications of U. S. Senators.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 93 Introduced by Mr. H. R. Wood of Yavapai County Relative to Lobbying.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 94 Introduced by Mr. Cooper of Pima County Relative to Declaration of Rights.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 95 Introduced by Mr. Cooper of Pima County Relative to Preamble.
Mr. President: First reading of the proposition; referred to the committee on printing and clerks and 500 copies ordered printed.
Secretary: (reading) Proposition No. 96 Introduced by Mr. Kingan of Pima County Relative to Division of Powers.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 97 Introduced by Mr. F. A. Jones of Maricopa County Relative to Amendments and Direct Legislation.

Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Mr. President: Gentlemen, the order of the day.
Mr. Crutchfield: Mr. President, the committee on preamble and declaration of rights is ready to report, if it is the desire of the convention to receive the report.
Mr. President: What is the pleasure of the convention?
Mr. Crutchfield: The committee is ready to report but since there has been another preamble submitted and it may be the wish of the committee of the whole to await the new proposition. I would state that the preambles are the same with the exception of the designation of the Diety. The convention could determine the matter of the designation of the Diety to be used in the preamble, without submitting this to the printing committee.
Mr. President: The matter will come up in the regular order of business in the committee of the whole. The secretary will read the report.

Secretary: (reading)
"Phoenix, Arizona, October 25,1910.

Mr. President: Your committee on preamble and declaration of rights, begsleave to report it has examined Proposition No. 1 and respectfully recommends that it be adopted.
James E. Crutchfield, Chairman.
I concur: P.F. Connelly."

Secretary: (reading)
"Phoenix, Arizona, October 25,1910.

Mr. President: Your committee on preamble and declaration of rights begs leave to report it has examined Proposition No. 5 and respectfully recommends that it be not adopted.
James E. Crutchfield, Chairman.
I concur: P. F. Connelly.
Mr. President: Second reading of the propositions.
Secretary: (reading) Proposition No. 35.
Mr. Baker: I move that the rules be suspended and that propositions be read a second time by title only and then referred to the proper committee.
Mr. Osborn: I second the motion.
The motion prevailed.
Secretary: (reading) Proposition No. 35.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 38.
Mr. Baker: Mr. President, I move that the rules be suspended and the title only be read.
Mr. President: On the second reading of propositions, I think it would be well to read the title only. What is the pleasure of the convention?
Mr. Winsor: Mr. President, if there is any time that the rules should be suspended it is on the first reading, when we have not the printed copies before us, but now that we have this matter on our desks and can carefully follow the reading, I think that we should have the propositions read in full.
Mr. Parsons: With reference to the remarks of the gentleman from Yuma, I do not think that his reason for having the propositions read in full on the second reading is

as justifiable as the gentleman from Maricopa in not desiring the second reading, from the very fact that we have the printed copies and can read them ourselves. I am certain that the majority of members would prefer to suspend the rules in this instance.
Mr. Winsor: We had better make a motion to suspend the rules each day as that is what we seem to do any way. I think that it is very important that the propositions should be read and that every member have his copy before him and follow the reading.
Mr. Winsor: Mr. President, I would like to know the reason why the gentleman from Maricopa does not want the second reading of these propositions.
Mr. Baker: I moved that the rules be suspended on the reading of proposition No. 38, but it was my intention to make the same motion on each proposition as they were taken up.
Mr. President: Gentlemen, you have heard the motion of the gentleman from Maricopa with regard to the suspension of the rules on the reading of propositions in full on the second reading. Those in favor of the motion say aye, those opposed nay. I am in doubt. Secretary willcall the roll.
Mr. Cunniff: Mr. President, I feel that the statement made by the gentleman from Yuma is correct. It seems to me that the time for the suspension of the rules in the matter of the reading of propositions is the first reading and not the second, when we have them on our desks and can study them as we follow the reading. I would prefer to hear the second reading.
Mr. Baker: Mr. President, roll call on the motion.
Mr. President: The secretary will call the roll.
Roll call showed 19 ayes and 38 nays.
Mr. President: The motion is lost, the secretary may read the propositions in full.
Secretary: (reading) Proposition No. 38 Introduced by Mr. Ingraham of Yuma County Relative to Labor and Corporations.
Mr. Tuthill: I suggest that the secretary read that proposition again so we can understand it.
Mr. President: The secretary will please read that proposition again.
Secretary: (reading) Proposition No. 38.
Mr. President: Second reading of the propositions; referred to the committee on labor.
Secretary: (reading) Proposition No. 44 Introduced by Mr. Orme of Maricopa County Relative to Charitable Institutions.
Mr. President: Second reading of the proposition; referred to the committee on education and public institutions.
Secretary: (reading) Proposition No. 45 Introduced by Mr. Connelly of Cochise County Relative to Legislative Department.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 46 Introduced by Mr. Bradner of Cochise County Relative to Educational Qualification of Voters.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 54 Introduced by Mr. Fred T. Colter of Apache County Relative to Mode of Amending.
Mr. President: Second reading of the proposition; re-

ferred to the committee on schedule, mode of amending and miscellaneous.
Mr. Franklin: What was the word used there? "It will require", or "it shall require"?
Mr. Colter: The words, "it shall require" are the words which should be used to be grammatically correct.
Secretary: (reading) Proposition No.55 Introduced by Mr. Ellinwood of Cochise County Relative to the powers of the Legislative Assembly.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No.78 Introduced by Mr. Orme of Maricopa County Relative to Public Lands.
Mr. President: Second reading of the proposition; referred to the committee on state and school lands.
Secretary: (reading) Proposition No. 70 Introduced by Mr. Winsor of Yuma County.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Mr. President: Any other business of the convention?
Mr. Orme: Mr. President, it seems to me that there are a great many of these propositions that are not distributed carefully, and as a result there are some of the desks that have more than one copy of certain bills while other desks have no copies at all of the same bills. I would suggest that the clerks use more care in the distribution of the printed copies.
Mr. President: The matter will be referred to the committee on printing and clerks.
Mr. Cunniff: Mr. President, I move that the rules be suspended and that we extend to the members or representatives of the press the privilege of the convention chamber in order that they may give correct and accurate reports of the work of the convention.
Mr. Colter: I second that motion.
Mr. Ellinwood: Mr. President, the former motion, which was later rescinded, granted the reporters the privilege of the convention floor only during recess or adjourment.
Mr. Cunniff: Mr. President, I thank the gentleman for the suggestion as I wish to include that in the motion.
The motion prevailed.
Mr. President: Other business of the convention.
Mr. Crutchfield: Mr. President, I move that the oonvention go into the committee of the whole.
Mr. Feeney: I second that motion.
Roll call showed 15 ayes and 29 nays.
Mr. President: The motion is lost.
Mr. Cunningham: I move the convention stand at recess until 2 p.m.
Mr. Sims: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. There is a quorum present.
Mr. President: Introduction of propositions.
Mr. Cunniff: I move that the rules be suspended, and each proposition be read by title only.
Mr. Ellinwood: I object.
Secretary: (reading) Proposition No. 98 Introduced by Mr. Jas. E. Crutchfield of Maricopa County Relative to Bill of Rights.
Mr. President: First reading of proposition; referred

to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 99 Introduced by Mr. Thos. N. Wills of Pinal County Relative to Live Stock.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 100 Introduced by Mr. R. B. Simms of Cochise County Relative to Education.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 101 Introduced by Mr. C. M. Roberts of Cochise County Relative to Private Banks and Corporations.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 102 Introduced by Mr. Jones of Yavapai County Relative to Appropriations.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 103 Introduced by Mr. Cassidy of Maricopa County Relative to Establishment of Legislative Bureau of Research.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. President: The convention will now go into committee of the whole. Mr. Franklin, the gentleman from Maricopa, will you takethe chair?
Mr. Chairman: The committee of the whole will now come to order.
Mr. Secretary: Will you read the proposition to be submitted to the committee of the whole.
Secretary: (reading) Proposition No. 1, Introduced by Mr. Crutchfield of Maricopa County.
Mr. Chairman: Gentlemen of the committee, we have under consideration Proposition No. 1 relating to preamble.
Mr. Baker: Ought not the whole report of the whole committee be read?
Secretary: (reading) Proposition No. 5 Introduced by Mr. Baker relative to preamble.
Mr. Baker: Now, Mr. President, I move as an amendment that proposition No. 5 be substitution for Proposition No. 1.
Mr. Cunniff: I second the action.
Mr. Chairman: Gentlemen of the committee, it has been moved and seconded that Proposition No. 5 be substituted for Proposition No. 1. Are you ready for the question?
Mr. Baker: In support of the motion that Proposition No. 5 be substituted for Proposition No. 1, I simply wish to say to the convention that proposition No. 5 is a brief statement of everything I deem essential, or necessary for a preamble to a constitution. It strikes me that a preamble ought to be very brief. It does not necessarily have to be long. I have no doubt but that the people of this state expect a brief, a simple, a plain, a short constitution. Therefore, I believe that Proposition No. 5 is all sufficient for practical purposes. I move that Proposition No. 5 be substituted for Proposition No. 1.

Mr. Cunniff: I support and second Judge Baker's motion. In the first place Proposition No. 5 is very brief. In the second place it is smoother, it moves along pleasantly and does not have the jerkiness of proposition No. 1.

Mr. Chairman: The question before the house is that Proposition No. 5 be substituted for No. 1. Those in favor answer aye, those opposed answer no. The ayes have it.

Mr. Cunniff: I move that the committee arise and report.

Mr. Webb: I second the motion that the committee of the whole arise and recommend to the convention that Proposition No. 5 be substituted for Proposition No. 1.

The motion prevailed and the committee arose to report.

The President resumed the chair.

Mr. President: The convention will come to order.

Mr. Franklin: Mr. President, Your committee of the whole begs leave to report that it has examined Propositions Nos. 1 and 5 and respectfully recommends that Proposition No. 5 be substituted for Proposition No. 1, and that the preamble for the constitution of the State of Arizona, contained in the substituted proposition, be adopted.

Mr. Webb: I move the rules be suspended, and the report of the committee of the whole be adopted.

Mr. Ellinwood: I second the motion of Mr. Webb.

The motion prevailed.

Mr. President: The question now comes up on the adoption of Proposition No. 1 as amended.

Mr. Cunniff: I move that the rules be suspended, substitute Proposition No. 1 as amended reada third time in full and placed on its final passage.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. President: Third reading of the proposition No. 1 as substituted.

Secretary: (reading) No. 1 Relating to Preamble.

Mr. Ingraham: I move you that we amend substitute proposition No. 1 by striking out the words "grateful to Almighty God for Liberty" and inserting "invoking the aid of Almighty God."

Mr. Winsor: I second the motion.

The motion failed to pass.

Mr. Baker: I move that the proposition in question be referred to the committee on style, revision and compilation.

Mr. Osborn: I second the motion.

Mr. Cunniff: I would like to say that there will be a meeting of the committee on style, revision and compilation immediately after adjourment.

Mr. Weinberger: There will be a meeting of the committee on executive, impeachment and removal from office.

Mr. President: Second reading of proposition.

Secretary: (reading) Proposition No. 40 Introduced by Mr. Webb of Graham.

Mr. President: Second reading of the proposition; referred to the committee on counties and municipalities.

Secretary: (reading) Proposition No. 41 Introduced by Mr. Jas. E. Crutchfield of Maricopa County.

Mr. President: Second reading of the proposition; referred to the committee on education and public institutions.

Secretary: (reading) Proposition No. 43 Introduced by Mr. Cassidy of Maricopa County.

Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.

Secretary: (reading) Proposition No. 47 Introduced by Mr. Parsons of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 48 Introduced by Mr. Parsons of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 50 Introduced by Mr. Parsons of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 51 Introduced by Mr. Ellinwood of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee suffrage and elections.
Secretary: (reading) Proposition No. 52 Introduced by Mr. R. B. Simms of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on counties and municipalities.
Secretary: (reading) Proposition No. 57 Introduced by Mr. Coker of Pinal County.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 58 Introduced by Mr. Coker of Pinal County.
Mr. President: Second reading of the proposition; referred to the committee on public service corporations, other than railroads.
Secretary: (reading) Proposition No. 59 Introduced by Mr. Coker of Pinal County.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 60 Introduced by Mr. Webb of Graham County.
Mr. President: Second reading of the proposition; re ferred to the committee on schedule, mode of amending and miscellaneous.
Secretary: (reading) Proposition No. 63 Introduced by Mr. Cunniff of Yavapai County.
Mr. President: Second reading of the proposition; referred to the committee on executive, impeachment and removal from office.
Secretary: (reading) Proposition No. 64 Introduced by Mr. Bolan of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on mines and mining.
Secretary: (reading) Proposition No. 65 Introduced by Mr. A. F. Parsons of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 66 Introduced by Mr. Orme of Maricopa County.
Mr. President: Second reading of the proposition; referred to the committee on irrigation and water rights.
Secretary: (reading) Proposition No. 67 Introduced by Mr. C. M. Roberts of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.
Secretary: (reading) Proposition No. 68 Introduced by Mr. Lynch of Graham County.
Mr. President: Second reading of the proposition; re-

ferred to the committee on judiciary.
Secretary: (reading) Proposition No. 77 Introduced by Mr. Thomas Feeney of Cochise County.
Mr. President: Second reading of the proposition; referred to the committee on militia and public defense.
Mr. President: Business lying on the desk. Other business of the convention.
Mr. Sims: A meeting of the committee on counties and municipalities will be held after adjournment.
Mr. Feeney: I move that we adjourn.
Mr. Ellinwood: I second the motion.
The motion prevailed.
Convention adjourned until 9 a.m. October 26, 1910.

October 26, 1910. 9 A.M.

Mr. President: The convention will please come to order. The secretary will call the roll.
Roll call showed quorum present.
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Secretary reads minutes.
Mr. Winsor: In the report of the committee of the whole there is a technical error, which might be very confusing. The report states that the committee recommends that Proposition No. 5 be substituted for No. 1. The committee recommends that Proposition No. 5 be adopted and that Proposition No. 1 be indefinitely postponed. I move that this consideration be made in the secretary's minutes.
Mr. Cunniff: I second the motion of the gentleman from Yuma.
The motion prevailed.
Minutes approved as corrected.
Mr. Parsons: In view of the correction made, I would say that I think it should be stated that Proposition No. 5 was adopted in the place of No. 1
Mr. President: The minutes will stand approved with this correction.
Mr. President: Report of standing committees.
Mr. Cunniff: Committee on style, revision and compilation has a report to make.
Secretary: (reading) Phoenix, Arizona, October 26, 1910.
Mr. President: Your committee on style, revisions and compilation begs leave to report that it has examined Proposition No. 5 and respectfully recommends that it be adopted by the convention as it stands, as the preamble of the constitution of the State of Arizona, subject to such further consideration as is provided by the rules.
M. G. Cunniff, Chairman.

Mr. Webb: I believe there is a mistake in the matter of this proposition. As I recall it, the proposition was not submitted to the committee on style, revision and compilation, but was adopted as a separate proposition, and given its proper place in the Constitution. The rules were suspended, and it was not referred to the committee.
Mr. Cunniff: I made the original motion. It was not taken out of its proper order and referred to the committee.
Mr. Webb: I would like the record on the original motion.
Secretary: (reading) "Mr. Cunniff moved, seconded by Mr. Jones that the rules be suspended on Proposition No. 1. Mr. Ingraham moved to amend Proposition No. 1. Proposition No. 5 read third time, and put on its final passage. On final passage was adopted unanimously."

Mr. Cunniff: I suggest that the phrase, "final passage", means that the proposition goes to the committee on style, revision and compilation.

Mr. Winsor: Under the rules that will have to return.

Mr. President: Read the proposition in full.

Secretary: (reading) Proposition No. 5 by Mr. Baker of Maricopa County: A proposition Relative to Preamble.

Mr. Cunniff: The motion should be for the adoption of the proposition into the Constitution as provided for by the rules.

Mr. President: Those in favor of adopting the proposition say aye, those opposed nay. I am in doubt. The secretary will call the roll.

Roll call showed 48 ayes, no nays.

Mr. President: It will be referred to the committee on style, revision and compilation.

Mr. Short: Mr. President, I desire to report that Propositions No. 40,41,43,45,47, 50,51,52, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, have been printed and returned.

Mr. President: Does this include the propositions returned this morning?

Mr. Short: I have not the list of those returned this morning.

Mr. President: Introduction of propositions.

Secretary: (reading) Proposition No. 104 Introduced by Mr. Fred L. Ingraham of Yuma County Relative to Bill of Rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 105 Introduced by Mr. Wells of Yavapai County Relative to Corporations.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 106 Introduced by Mr. Wells of Yavapai County Relative to Finance and Taxation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 107 Introduced by Mr. C. C. Hutchinson of Coconino County Relative to Militia.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 108 Introduced by Mr. S. B. Bradner of Cochise County Relative to Elections.

Mr. President: First reading of the proposition; referred to the committee on Printing and 500 copies ordered printed.

Secretary: (reading) Proposition No. 109 Introduced by Mr. Webb of Graham County Relative to Railroads.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Mr. Orme: Mr. President, it seems that the supply of printed copies of Proposition No. 78 is exhausted, and there are not enough in the hands of the members of the convention. I move that 500 copies be ordered printed.

Mr. Wood: I second that motion.

The motion prevailed.

Mr. President: Second reading of propositions.

Secretary: We have a number of propositions for second reading, but it will take a few moments to get them in numerical order.
Mr. Coker: Mr. President, I move that the rules be suspended and that the second reading be by title only.
Mr. Baker: I second the motion of the gentleman from Pinal.
Mr. President: It has been moved and seconded that the rules be suspended and that the second reading be by title only. Those in favor of the motion say aye, those opposed nay. Gentlemen, I am in doubt. The secretary will please call the roll.
Roll call showed 20 ayes and 28 nays.
Mr. President: The motion is lost. The secretary will read the propositions in full.
Secretary: (reading) Memorial No. 1 Introduced by Mr. Webb of Graham County.
Mr. President: Second reading of the Memorial No. 1. What is your pleasure, gentlemen?
Mr. Webb: Mr. President, I do not think that it should be given the same place as a proposition, but that it should be submitted to our constituents before we take any action on it.
Mr. Cunniff: I move that it be referred to the committee on state and school lands.
Mr. President: It is so ordered, without objection.
Secretary: (reading) Proposition No. 62 Introduced by Mr. Keegan of Gila County Relative to Salaries of State and County Officers.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 69 Introduced by Mr. Coker of Pinal County Relative to Judiciary Department.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 71 Introduced by Mr. Thomas Feeney of Cochise County Relative to Bill of Rights.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 72 Introduced by Mr. Ellinwood of Cochise County Relative to Workmen's Compensation Law.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 73 Introduced by Mr. Simms of Graham County Relative to Education.
Mr. President: Second reading of the proposition; referred to the committee on education and public institutions.
Secretary: (reading) Proposition No. 74 Introduced by Colter of Apache County Relative to Suffrage.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: Proposition No. 75 Introduced by Mr. Colter of Apache County Relative to Public Health.
Mr. President: Second reading of the proposition; referred to the committee on education and public institutions.
Secretary: (reading) Proposition No. 76 Introduced by Mr. Connelly of Cochise County Relative to Department of Labor.
Mr. President: Second reading of the proposition; re-

ferred to the committee on labor.
Secretary: (reading) Proposition No. 81 Introduced by Mr. Webb of Graham County Relative to Railroad Commission.
Mr. President: Second reading of the proposition; referred to the committee on Railroads.
Secretary: (reading) Proposition No. 83 Introduced by Mr. Crutchfield of Maricopa County Relative to Taxation and Exemptions.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 84 Introduced by Mr. Simms of Graham County Relative to Homestead and Exemptions.
Mr. President: Second reading of the proposition; referred to the committee on judiciary. If there are no objections. So ordered.
Secretary: (reading) Proposition No. 85 Introduced by Mr. Cunningham of Cochise County Relative to Collection Privilege License Taxes.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 86 Introduced by Mr. Cunningham of Cochise County Relative to Privilege Licenses.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 87 Introduced by Mr. Cunningham of Cochise County Relative to Homesteads and Exemptions.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 88 Introduced by Mr. Cunniff of Yavapai County Relative to Employer's Liability.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 89 Introduced by Mr. Cunniff of Yavapai County Relative to Alien Contract Labor.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 90 Introduced by Mr. Jones of Yavapai County Relative to Direct Primary.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Mr. Weinberger: Mr. President, If I remember rightly, Proposition No. 83 was referred to the committee on executive, impeachment and removal from office. It seems to me it should have been referred to the committee on judiciary.
Mr. President: If there are no objections Proposition No. 83 will be referred to the committee on judiciary. It is so ordered.
Mr. President: Third reading of propositions.
Mr. Winsor: Mr. President, may I have a record of the referring of that last proposition.
Mr. President: Proposition No. 83 Introduced by Mr. Cunniff of Yavapai County Introduced October 20th, 1910, Referred to Printing Committee October 19th, 1910. Reread second time October 25th and referred to committee on executive, impeachment and removal from office.
Mr. Weinberger: Mr. President, should it not go to the committee on judiciary?

Mr. President: If there are no objections it will be referred to the committee on judiciary.
Mr. Lynch: Mr. President, I have a communication from Judge Lewis, and also a communication from another party, which I would like to have referred to the judiciary committee.
Mr. Franklin: I suggest that we have the communication from Judge Lewis read.
Mr. President: The secretary will read the communication from Judge Lewis.

Secretary: (reading) "Globe, Arizona, October 7,1910.
Mr. John J. Birdno,
Safford, Arizona.

My dear Birdno:

I am returning you herewith the letter from Mr. Folsom which I read with a great deal of interest. I heartily concur in the views he expresses and would deem it a great advantage to Arizona if we can succeed in having the appointive system for the selection of our judges of the Supreme Court. As an alternative, however, I deem it of the greatest importance that the Judicial Elections be held separately from the election of other officials. If you want to read the greatest argument that was ever made, to my knowledge for the appointive system, get a copy of the Federalist and read what Alexander Hamilton had to say in his argument for the appointive system when the Federal Constitution was under consideration.

Very truly yours,
E. W. Lewis,
JUDGE."

Mr. Cunniff: That communication does not say anything about Jefferson and Madison. (Laughter.)
Mr. Lynch: Mr. President, I would like to have the next communication read, as I have not been able to read it myself.
Mr. President: I think that it had better be typewritten first. I have no desire to burden the secretary.
Mr. President: Gentlemen, there seems to be no further business.
Mr. Feeney: Mr. President, I would like to explain a little matter with regard to our postman. It seems that he is being greatly imposed upon in the matter of the carrying of the mails from this hall to the post-office. He has to pay the express from here to the postoffice and return. He is required to sort the mail at the postoffice and carry all the mail toand from this hall. Since we are sending out a great deal of matter and also receiving much mail, and the work is very hard, I move that the mail man be allowed his legitimate expenses in the matter of carrying the mails.
Mr. Simms: I second that motion.
Mr. Short: Mr. President, I would like to know why the members of the convention cannot have their mail delivered here as well as to any other part of the city. That is the work of the employees of the postoffice department in this city, and I do not think it is necessary for our mail carrier to take the mail farther than the box outside this building.
Mr. Feeney: I would say that the postoffice clerks should certainly sort the mail for this convention hall as well as any other part of the mail, but so far as they have placed that work upon our mail carrier, and for his

trouble and expense he should be properly paid.
Mr. President: Gentlemen, are you ready for the question? Those in favor of the motion of the gentleman from Cochise say aye and those opposed nay. The chair is in doubt. Those in favor of the motion rise.
Rising vote showed 24 in favor.
Mr. President: Those opposed rise.
Rising vote showed 16 against.
Mr. President: The motion is carried. Other business of the convention.
Mr. Keegan: I move the convention take a recess until 2 p.m.
Mr. Baker: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present. Reports of standing committees.
Mr. Weinberger: Mr. President, the committee, on executive, impeachment and removal from office has a report to make.
Secretary: (reading)

"Phoenix, Arizona, October 26, 1910.

Mr. President:

Your committee on executive, impeachment and removal from office begs leave to report it has examined Proposition No. 63, and respectfully recommends that said Proposition be referred to committee on judiciary.

J. Weinberger, Chairman."

Mr. Winsor: Mr. President, I move the report be adopted.
Mr. Ingraham: I second the motion.
The motion prevailed.
Mr. President: Proposition No. 63 will be referred to the committee on judiciary. Other reports of the standing committees? I thought that the legislative department committee had a report to make.
Mr. Winsor: The committee on legislative department is holding a series of intensely interesting meetings, and we are not yet ready to report.
Mr. President: Introduction of Propositions.
Secretary: (reading) Proposition No. 110 Introduced by Mr. Bolan of Cochise County Relative to Legislative Department.
Mr. President: First reading of the propositions; referred to the printing committee and 500 copies ordered printed.
Mr. President: Here is a letter addressed to the gentlemen of the convention, and which, I believe should be referred to the committee on legislation.
Mr. Ellinwood: Read it.
Mr. President: The secretary will please read the letter.
Letter from O. Gibson, Tombstone, Arizona, read.
Mr. President: The letter will be referred to the committee on legislative department, distribution of powers and apportionment.
Mr. President: Other business of the convention. I presume there is a great deal of committee work tobe done.
Mr. Cunningham: I move that the convention adjourn until tomorrow morning at 9 o'clock.
Mr. Jones of Yavapai: I second that motion.
The motion prevailed.
Convention stood adjourned to 9 a.m. October 27, 1910.

October 27, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Prayer by the chaplain.

Mr. President: Reading the minutes.

Minutes read and approved.

Mr. President: Reports of Standing Committees.

Mr. Short: Mr. President, the committee on printing and clerks begs leave to report the following propositions printed and returned; Nos. 62,69,71,72, 73, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and Memorial No. 1.

Mr. Cunningham: "Phoenix, Arizona, October 27, 1910.
Mr. President:

Your committee on Judiciary begs leave to report that it has examined Proposition No. 20, and respectfully recommends that the said Proposition be referred to an appropriate committee other than the judiciary.

D. L. Cunningham, Chairman."

Mr. President: If there are no objections the report will be referred.

Mr. Baker: Mr. President, I would like to know the subject matter of that proposition.

Secretary: (reading) Proposition No. 20 Introduced by Mr. Bradner of Cochise County. A proposition Relative to State engaging in Industrial Pursuits.

Mr. Cunniff: It should be referred to the committee on legislative department, distribution of powers and apportionment.

Mr. President: If there are no objections Proposition No. 20 will be referred to the committee on legislative department, distribution of powers and apportionment.

Mr. President: Introduction of Propositions.

Secretary: (Reading) Proposition No. 111 Introduced by Mr. Short of Yuma County Relative to Elections.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 112 Introduced by Mr. James Scott of Navajo County Relative to Ordinance.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 133 Introduced by Mr. F. A. Jones of Maricopa County Relative to Railroad and Common Carriers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary; (reading) Proposition No. 114 Introduced by Mr. Thomas N. Wills of Pinal County Relative to Officers to be Chosen.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Proposition No. 115 Introduced by Mr. Kingan of Pima County Relative to Legislative.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

Mr. President: Any other propositions? Gentlemen, I would like to say that the photographer is waiting outside, and if there are no objections, the convention will stand at recess until the call of the gavel. So ordered. Convention will take a temporary recess.

Recess taken.

Mr. President: The convention will come to order. Second reading of Propositions.
Secretary: (reading) Proposition No. 80 Introduced by Mr. Jones of Maricopa Relative to Officers Chosen and Appointive.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No.82 Introduced by Mr. Lynch of Graham County Relative to Judiciary.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Mr. President: Business lying on the president's desk.
Secretary: There are two communications to be read.
Mr. President: The secretary will read the communications.
Communications from George W. Armigo, Secretary of the New Mexico Constitutional Convention, and B. J. Tiemann, New York, N. Y. read.
Mr. President; Is there anything else?
Secretary: There is another proposition for the first reading.
Mr. President: If there are no objections we will revert to the first reading of propositions.
Secretary: (reading) Proposition No. 116 Introduced by Mr. Henry Lovin of Mohave County Relative to Bill of Rights.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. President: Other business of the convention. Gentlemen, we have gone through the order of business for this morning, what is your further pleasure?
Mr. Cunniff: Mr. President, there is a matter on which I wish to speak. It is the matter of mailing the printed propositions. I think that a complete mailing list should be submitted to the mailing clerks with the specified number of copies each member may desire mailed. Yesterday when the Yavapai County delegation called for there usual number of copies, we were informed that copies could not be had as they were not available. I was informed, too, that some of the members have excessive mailing lists, and that one member has something like 250 names on his list, while others are of considerable length. I think this matter should be regulated by the printing committee. I would suggest that the members submit a mailing list and that the various delegations agree upon the number that should be sent by them. Let the committee on printing and clerks arrange for such copies as they desire within reason. No member should be given any special privilege in this matter over other members, who may fail to get their copies, or are somewhat late in submitting their particular mailing lists.
Mr. Kingan: Did the gentleman from Yavapai offer that as a motion? If so, I second the motion.
Mr. Ellinwood: If each member is allotted an even number there will be less than ten copies to each member, with the one of each he retains on his desk there are but eight or nine for mailing. If each delegation could make a uniform list and agree on the matter of mailing the propositions, it would create less trouble and provide for each member securing his rightful number.
Mr. President: Gentlemen, you have heard the motion

of the gentleman from Yavapai.
Mr. Webb: I believe the mailing clerks have a complete list, but I think it will be necessary for them to arrange with the various delegations orthe printing committee to make out a list that will be within the present limitations.
Mr. Parsons: I desire to amend the motion of the gentleman from Yavapai County, and make nine the number that may be sent out or allowed by the printing committee to each member for mailing purposes.
Mr. Cunniff: I accept the amendment of the gentleman from Cochise.
Mr. Roberts: I desire to second that motion.
Mr. Winsor: Mr. President, I think the amendment will work a hardship on some of the members, who have large mailing lists consisting of friends who may be very desirous of securing these propositions. There are members who do not care to mail any at all and would be quite willing that those who do wish to send a large number, should have their allowance. I would suggest that we leave it to the members to secure the copies of such as they desire without any reference to the printing committee. Or if the printing committee has the matter in charge I would suggest that they submit such copies as the lists call for to the various members.
Mr. Cunniff: I do not see how the printing committee is going to comply with this method as they will not know how many copies each member may demand unless they have a definite number provided for each, and if there are some members who do not care to mail out any propositions those who do could no doubt make arrangements to secure the copies assigned to members who have no mailing list.
Mr. Parsons: Mr. President, it seems to me that the various delegations can arrange among themselves a list that will meet all their all their demands, and if each member is allowed so many copies each delegation can agree as to the mailing of them.
Mr. Standage: I desire to say that I believe there are a number of the members of the convention who do not care to mail any of these propositions, for instance the Maricopa County delegation. Their friends are mostly within the county and they aread the papers daily and get the reports without the copies of the propositions, for that reason I believe these who desire more than the allotted number can secure copies from the number assigned to the Maricopa County delegation, by concurring with them.
Mr. Winsor: Mr. President, the committee on rules is very glad to say that [illegible] are not sorry we fixed the number of copies at 500.
Mr. President: Gentlemen of the convention, you have heard the motion of the gentleman from Yavapai County, are you ready for the question?
The motion prevailed.
Mr. President: Gentlemen, we have received from the Constitutional Convention of New Mexico printed copies of the propositions introduced there. They can be had by the members of this convention for perusal. Gentlemen, we are through with the business, what is your pleasure ?
Mr. Weinberger: Mr. President, I move that the convention take a recess until 2 p.m.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present.
Secretary: (reading) Proposition No. 117 Introduced by Mr. Bracy Curtis of Santa Cruz County, entitled, A proposition relative to Bribery and Corruption.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 118 Introduced by Mr. Bracy Curtis of Santa Cruz County Relative to Corporations, Banking and Currency.
Mr. Cobb: Mr. President, I move that the rules be suspended, and this proposition read by title only, in view of the fact that the members of the convention do not seem to be paying any attention to the reading.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. President: The secretary will read the proposition by title only.
Secretary: (reading) Proposition No. 118 Introduced by Mr. Bracy Curtis of Santa Cruz County (reading by title only).
Mr. President: First reading of proposition No. 118; referred to the printing committee and 500 copies ordered printed.
Mr. President: Any other propositions. Second reading of propositions.
Secretary: Nothing.
Mr. President: Third reading of propositions.
Secretary: Nothing.
Mr. Weinberger: There will be a meeting of the executive, impeachment and removal from office committee immediately after adjournment.
Mr. Goldwater: If there is no objection, I move we revert to the order of business, reports of standing committees.
Mr. President: Is there any objection.
No answer.
Mr. President: Then it is so ordered, and the order of business stands at reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, Oct. 27, 1910.
Mr. President: Your committee on ordinance begs leave to report that it has examined Proposition No. 19, and respectfully returns same without any recommendation.
Morris Goldwater, Chairman.
I concur: C. C. Hutchinson."

Mr. President: Read the proposition, Mr. Secretary.
Mr. Goldwater: Mr. President, I suggest that the secretary be allowed to read the other report of the committee on ordinance. It would obviate the reading of the proposition.

Secretary: (reading) "Phoenix, Arizona, Oct. 27, 1910.
Mr. President: Your committee on ordinance begs leave to report the following Proposition No. 119, entitled Ordinance, and recommends that same be adopted.
Morris Goldwater, Chairman.
I concur: C.C. Hutchinson."

Mr. President: This is an amended proposition No. 119 introduced by the Ordinance committee, Morris Goldwater,

of Yavapai County, Chairman.
Secretary: (reading) Proposition No. 119 Introduced by the Ordinance committee, Relative to Ordinance.
Mr. Cunniff: I move that the rules be suspended, and this proposition be read by title only, referred to the printing committee and 500 copies ordered printed.
Mr. Winsor: As I understand it, this is the introduction of a new proposition, and the report of a committee cannot be offered as a substitute; it can be offered in no other way than a proposition. It may be taken up by title only. I second the motion of Mr. Cunniff.
Mr. Cunniff: This being a proposition submitted for the first reading, it may be read by title only, under the suspension of the rules.
Mr. Cassidy: I would like to inquire whether this proposition follows the exact wording of the Enabling Act. If it does, I do not see any need of having it printed.
Mr. Ellinwood: I would like to have the proposition read for my information.
Mr. Baker: The reason given is the very reason why the proposition should go to the printing committee. Now, this proposition deals with those ordinances that are provided for in the Enabling Act. It is a very important measure. This proposition must necessarily differ from the wording of the Enabling Act in that it changes "they" to "we" and other phrases of that kind.
Mr. President: For the information of the gentleman from Cochise, read the proposition.
Secretary: (reading) Proposition No. 119 Introduced by Ordinance Committee, Morris Goldwater, Chairman.
Mr. Goldwater: I would like to have the word "laws" changed to "lands."
Mr. President: If there are no objections, the secretary will make the correction.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. Cunniff: I present the following proposition.
Secretary: (reading) Proposition No. 120 Introduced by M. G. Cunniff Relative to Recall of Elected Officers.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. President: Other business of the convention. Gentlemen, this completes our order of business. What is your pleasure? Any committee work this afternoon?
Mr. Sims: Committee No.6 on Counties and Municipalities will meet immediately after adjournment.
Mr. Keegan: Committee No. 16, will meet in the Council Chamber immediately after adjournment.
Mr. Winsor: The committee on legislative department, distribution of powers and apportionment will meet in the regular committee room immediately after adjournment.
Mr. Cunningham: I move we adjourn until the usual time, 9 o'clock tomorrow morning.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention stood adjourned to 9 a.m. October 28, 1910.

October 28, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will rise for the prayer.

Prayer by chaplain.

Mr. President: Secretary will now read the minutes.

Mr. Baker: Mr. President; I move that the rules be suspended and the reading of the minutes be dispensed with.

Mr. Osborn: I second the motion.

Mr. Cunniff: I should like to know the reason of the gentleman from Maricopa for dispensing with the reading of the minutes.

Mr. Baker: Mr. President, there is nothing particular or special that would require the reading of these minutes and my reasons are that this convention had consumed already, a great deal of the time given us by the Enabling Act in which to make this Constitution and up to this time we have not adopted a single measure. We have only one report from a standing committee, and that report from the smallest committee-- that is the smallest with respect to the amount of labor they have to perform, the committee on preamble and declaration of rights.

We must understand that the greatest length of time of the convention should be given to the discussion of reports before the committee of the whole and not in the reading of the minutes, and we must employ our time with watchfulness and with wisdom that we do not consume the best part of it in the reading of matters that are the least important. I understand that the most important work is the discussion of reports before the committee of the whole, and that to suspend the lesser matter of procedure will be to save time to be devoted to the greater measures. I realize and feel, as many of you do, that it is time, high time, for us to get down to solid work and for this reason I move to suspend the rules in the matter of reading the minutes, and proceed to the more important labor of this convention.

Mr. Cunniff: Mr. President, it seems to me that if we are to have a record of the proceedings of each day, and to know that the record is correct, we should have the minutes read. With respect to the work of the standing committees, I believe the only way in which this work can be expedited is to have the members of the committees attend every meeting and stay with the work until something is accomplished. If the members do not attend the meetings then the work cannot be done. It is the duty of the various members to be present at those meetings and it is also the duty of the committees to go to work at once, formulating articles of the constitution, and not wait for all the propositions that may be submitted to them.

Mr. President: Gentlemen, you have heard the motion of the gentleman from Maricopa, are you ready for the question? Those in favor of suspending the rules and dispense with the reading of the minutes, say aye, those opposed nay. The nays have it. The secretary will read the minutes.

Minutes read and approved.

Mr. President: Petitions, Memorials or Remonstrances.

Secretary: There is a petition to be presented this morning.

Mr. President: Read the petition.

Secretary: (reading) To the Representatives of the People of Arizona in Constitutional Convention Assembled.

Gentlemen: Knowing the open saloon to be the curse of thousands of our sisters, bringing shame and misery and poverty to them, and knowing also that the open saloon is the cause of three-fourths of the crime, insanity, and poverty in our Territory, and knowing that the awful danger of drunkedness threatens our children so long as the open saloon is allowed to exist in Arizona; and

Being convinced that little relief will be afforded if the matter is left to the Legislature because of the notoriously unscrupulous character of the saloon business and its influence with Legislatures,

Therefore, we, the women of Arizona, helpless and without the ballot to protect ourselves or our children do hereby respectfully petition you to incorporate in the Constitution as presented to the people an article forbidding the manufacture and sale of intoxicating liquors in the State of Arizona."

Signed by 3,200 resident women of the Territory of Arizona.

Mr. President: It will be referred to the committee on suffrage and elections.
Mr. President: Reports of standing committees.
Mr. Bolan: Mr. President, the committee on labor have a report to make.
Secretary: (reading) Phoenix, Arizona, October 28, 1910.
Mr. President: Your committee on labor begs leave to report it has examined Proposition No. 47, and respectfully recommends that Proposition be referred to the legislative committee.

John Bolan, Chairman.

WE CONCUR:
Thos. Feeney. Wm. Morgan, S. B. Bradner.

Mr. President:

Your committee on labor begs leave to report that it has examined Proposition No. 39 and respectfully recommends that Proposition No. 39 be referred to the Legislative committee. We recommend striking out of clause, "and for the employment of convict labor for such purposes."

John Bolan, Chairman.

We concur: Thomas Feeney, Wm. Morgan, S. B. Bradner."

Secretary: (reading) Proposition No. 121 Introduced by Mr. Jas. E. White of Pima County Relative to Ordinance.
Mr. Cassidy: Mr. President, I move that the rules be suspended and the proposition be read by title only.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 122 Introduced by Mr. Wills of Pinal County relative to Revenue and Taxation Exemption.
Mr. Cassidy: Mr. President, I move that the motion to suspend the rules apply to the reading of all the propositions this morning.
Mr. Osborn: I second the motion.
Mr. Winsor: I do not see why we do not move to suspend the rules indefinitely.
The motion prevailed.
Secretary: (reading) Proposition No. 123 Introduced by Mr. Cunniff of Yavapai County Relative to Amendment of

Proposition No. 63.
Mr. Cunniff: Mr. President, I move that the rules be suspended and that the proposition be read the second time and referred to the appropriate committee.
Mr. Wood: I second that motion.
The motion prevailed.
Mr. President: The secretary may read the proposition a second time.
Secretary: (reading) Proposition No. 123 Introduced by Mr. Cunniff of Yavapai County Relative to Amendment of Proposition No. 63.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Mr. President: Committee of the whole.
Mr. Jones of Maricopa: Mr. President, there are a number of printed copies of propositions returned and the clerks will place them upon the desks.
Mr. Cassidy: Mr. President, I have a letter to be referred to the committee on labor.
Secretary: There is a resolution to be read.
Mr. President: The secretary will read the resolution.
Secretary: (reading) "Resolution No. 10.

RESOLVED that on and after October 31, 1910, this convention in addition to the two daily sessions, provided by the rules, shall also hold night sessions commencing at the hour of seven thirty o'clock each evening, Sundays excepted."

Mr. Cassidy: I move the adoption of the resolution.
Mr. Winsor: I second the motion.
Mr. President: Gentlemen, you have heard the motion. Those in favor of the motion say aye, those opposed nay. I am in doubt. The secretary will call the roll.
Roll call showed 20 ayes and 25 nays.
Mr. President: The motion is lost.
Mr. Short: Mr. President, I move that the convention revert to the reports of standing committees.
Mr. Ingraham: I second the motion.
Mr. President: If there are no objections the convention will refer back to the report of standing committees.
Mr. Short: The committee on printing and clerks desires to report the following propositions printed and returned. Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.
Mr. President: Gentlemen, we are through with our order of business.
Mr. Jones: Mr. President, I move that we revert to the second reading of propositions.
Mr. President: If there are no objections the convention will refer back to the second reading of propositions.
Secretary: (reading) Proposition No. 91 by Mr. Kinney of Gila County Relative to Employment of Alien Labor.
Mr. President: Second reading of the proposition; referred to the committee on judiciary. I think that the lawyers should take action on that. It will be referred to the committee on judiciary.
Secretary: (reading) Proposition No. 92 Introduced by Mr. Kinney of Gila County Relative to Qualification of U. S. Senators.
Mr. President: Second reading of the proposition; referred to the committee on judiciary.
Secretary: (reading) Proposition No. 93 Introduced by Mr. Wood of Yavapai Relative to Lobbying.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, dis-

tribution of powers and apportionment.
Secretary: (reading) Proposition No. 94 Introduced by Mr. Cooper of Pima County Relative to Declaration of Rights.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 95 Introduced by Mr. Cooper of Pima County Relative to Preamble and declaration of rights.
Mr. President: Second reading of the proposition; referred to the committee on Preamble and declaration of rights.
Secretary: (reading) Proposition No. 96 Introduced by Mr. Kingan of Pima County Relative to Distribution of Powers.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 97 Introduced by Mr. F. A. Jones of Maricopa County Relative to Amendments and Direct Legislation.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 98 Introduced by Mr. Crutchfield of Maricopa County Relative to Bill of Rights.
Mr. President: Second reading of the proposition; referred to the committee on legislative department.
Secretary: (reading) Proposition No. 99 Introduced by Mr. Wills of Pinal County Relative to Live Stock.
Mr. President: Second reading of the proposition; referred to the committee on federal relations.
Secretary: (reading) Proposition No. 100 Introduced by Mr. R. B. Sims of Cochise County Relative to Education.
Mr. President: Second reading of the proposition; referred to the committee on education and public institutions.
Secretary: (reading) Proposition No. 101 Introduced by Mr. Roberts of Cochise County Relative to Banks and Corporations.
Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.
Mr. Ingraham: Mr. President, I have a communication I would like to have read.
Secretary reads communication from Dr. Thomas J. Pugh, Superintendent, Yuma County Hospital, Yuma, Arizona.
Mr. President: The communication will be referred to the committee on education.
Mr. President: Gentlemen, we are through with our regular order of business this morning. What is your further pleasure?
Mr. Ingraham: Mr. President, I move thatthe convention stand at recess until 2 p.m.
Mr. Lynch: I second that motion.
The motion prevailed.
The convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present.
Reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, Oct. 28, 1910.
Mr. President: Your committee on railroads begs leave to report that it has examined Proposition No. 25 and respectfully recommends that it do not pass, the second paragraph of the same having been incorporated in Proposition No. 113 to the extent to which your committee deems advisable. We further recommend that Proposition No. 25 be referred to committee on Executive for consideration of the first Paragraph.
F. A. Jones, Chairman.
We concur: M. G. Cunniff; C.C. Jacome, E.E. Ellinwood, S.B. Bradner.
I concur except as to referred to Executive committee, E. L. Short."

Mr. President: Will the secretary please read Proposition No. 25.
Secretary: (reading) Proposition No. 25 Introduced by Mr. Cassidy of Maricopa County Relative to Prohibiting Public Officers from Accepting or using Passes.
Mr. Goldwater: As a matter of information, I would like to ask whether any members of this convention have passes.
Mr. Baker: Mr. Secretary, will you please read the proposition referred to in the report? I understand that so much of the proposition as the committee thinks is proper is to be found in another proposition.
Mr. Winsor: I would like to have some information from the committee submitting this report, as to the reason it should be referred to the committee on executive. What has that committee to do with the subject of transportation?
Mr. Franklin: Mr. President, I rise to a point of order, and to obtain information. How is it possible for the committee on railroads whenever it reports on a proposition to recommend that the proposition be not passed, and also recommends that it be referred to another committee.
Mr. Winsor: I move that the proposition take its regular order on the calendar and be considered by the committee of the whole.
Mr. President: Gentlemen, if there are no objections, it is so ordered.
Secretary: (reading) "Phoenix, Arizona. October 28, 1910.
Mr. President: Your committee on Railroads begs leave to report that it has examined Proposition No. 81, and respectfully recommends that it do not pass for the reason that such provisions of the Interstate Commerce Act as are applicable to Inter-state traffic are embodied in Proposition No. 113; that certain provisions of the Interstate Commerce Act are not applicable to local commerce, and that a delay might result in the creation of a commission in the event that there be a delay in the first legislative enactment provided therefor.
F. A. Jones, Chairman.
We concur: M. G. Cunniff, C.C. Jacome, E. E. Ellinwood, S. B. Bradner."

Mr. Ellinwood: Mr. President: this was a matter we had before the committee just before the adjournment at noon, or after. I gave notice in that committee that I would file a minority report. It seems I have not had the opportunity. I ask the privilege of filing a minority report on this proposition.
Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this

proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.
Mr. Roberts: I second the motion.
The motion prevailed.
Secretary: (reading) "Phoenix, Arizona, October 28, 1910.
Mr. President: Your committee on Labor begs leave to report that it has examined Proposition No. 47, and respectfully recommends that Proposition No. 47 be referred to the Legislative Committee.
John Bolan, Chairman.
We concur: Thomas Feeney, S. B. Bradner, Wm. Morgan, W. F. Cooper."

Secretary: Mr. President; shall I read the proposition?
Mr. Winsor: I move that the report of the committee on labor be accepted, and that the proposition be referred to the legislative committee, as the committee desires.
Mr. Langdon: I second the motion.
The motion prevailed.
Mr. President: Proposition No. 47 will be referred to the committee on Legislative department, No. 2.

Secretary: (reading) "Phoenix, Arizona, October 28,1910.
Mr. President: Your committee on Labor begs leave to report that it has considered Proposition No. 39, and respectfully recommend that Proposition No. 39 be referred to the legislative committee. We recommend the striking out of the clause reading 'and for the employment of convict labor for such purpose.'.
John Bolan, Chairman.
We concur: Thomas Feeney, W. F. Cooper, Wm. Morgan, S. B. Bradner."

Mr. President: This will have to come up in the committee of the whole, as long as there is a recommendation.
Mr. Winsor: The recommendation of the committee was simply a recommendation to the committee it was referred to.
Mr. Bolan: Mr. President, that is why the recommendation was intended.
Mr. President: All in favor of accepting this report, and referring the proposition to the committee on Legislative, make it known by saying aye, all opposed no. The ayes have it; and Proposition No. 39 is referred to the committee on legislative department.

Secretary: (reading) "Phoenix, Arizona, October 28,1910.
Mr. President: Your committee on Labor begs leave to report that it has considered Proposition No. 38, and respectfully recommends that Proposition No. 38 be referred to the committee on public service corporations other than railroads.
John Bolan, Chairman.
We concur: Thomas Feeney, S. B. Bradner, Wm. Morgan."

Mr. President: If there is no objection to referring this proposition to the committee on corporations other than railroads, it is so ordered.
Introduction of Propositions.
Secretary: (reading) Proposition No. 124 Introduced by

Mr. White of Pima County Relative to Ordinance.
Mr. Winsor: I move that the rules be suspended, and that the proposition be read the first time by title only.
Mr. Feeney: I second the motion.
The motion prevailed.
Mr. President: The secretary will read the proposition first time by title only.
Secretary reads title again.
Mr. President: First reading of the proposition; referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 125 Introduced by Mr. John P. Orme of Maricopa County, Relative to Creating the Office of State Examiner.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Other business of the convention.
Mr. Winsor: I move that the convention stand adjourned until 9 o'clock tomorrow morning.
Mr. Wills: I wish to announce that there is to be a public meeting in the council chamber directly after the adjournment of this convention before the committee on separate submission on the subject of prohibition and women suffrage; everybody is invited.
Mr. Winsor. There will be a meeting of the legislative committee immediately after adjournment.
Mr. Orme: The committee on irrigation will meet in their committee room at 3 o'clock this afternoon.
Mr. Jones of Yavapai: The committee on suffrage and elections will hold their regular meeting on the adjournment of the convention. As to the matter of the prohibition petition the matter is entirely foreign to the business of the committee on suffrage and elections. I move that it be referred to the committee on separate submission.
Mr. President: A motion to adjourn is before the house.
Mr. Simms: I second the motion to adjourn.
The motion prevailed.
Convention adjourned to 9 A.M. October 29, 1910.

October 29, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will please rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Minutes read and approved.
Mr. President: Reports of standing committees. No reports of standing committees. I thought the legislative committee was to make a report this morning.
Mr. Winsor: Mr. President, there will be a meeting of the legislative committee as soon as the convention adjourns.
Mr. Weinberger: Mr. President, the committee on executive will have a meeting this morning.
Mr. President: I thought the legislative committee was to make a report this morning.
Mr. Winsor: I thought so too, Mr. President, but I have since learned that the minority report is signed by the majority, and for this reason it is necessary to have another meeting before we can report.
Mr. President: I am requested to give notice that the committee on public debt will have a meeting this after-

noon, after the adjournment of the session.
Mr. President: Gentlemen of the convention, we are through with our regular business. What is your further pleasure?
Mr. Short: I move the convention take a recess until this afternoon at 2 o'clock.
Mr. Ingraham: I second the motion.
The motion prevailed.
Mr. President: Just a moment; I would like to say that a photographer is waiting outside and desires that you gather in front of the building to have a photograph taken. It will cost you nothing. He is very desirous to securing a photograph of each member.
Mr. Jones of Yavapai: Mr. President, I would like to give notice that there will be a very short meeting of the committee on suffrage and elections.
Mr. President: The convention stands adjourned until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. Petitions, Memorials and Remonstrances.
Mr. Winsor: I have here a communication addressed to the President and members of the Constitutional Convention, on the subject, I think, of equal suffrage, written by Mr. E. P. Cooke of this city.
Secretary reads communication from E. P. Cooke of Phoenix, Arizona.
Mr. President: The communication will be referred to the committee on suffrage and elections.
Mr. Webb: I would like to have read and referred to the committee on matters for separate submission, the following communication:
Mr. President: Read the communication at the request of the gentleman from Graham, Mr. Webb.
Mr. Webb: (on secretary's inability to decipher communication)
That was my trouble also. I asked to have it read so I could know what it was.
Mr. Bolan: I have here a communication addressed to the convention by a number of signers from Cochise County, Relative to Proposition No. 91, which communication I would like to have read.
Secretary reads communication signed by 200 residents of Cochise County, Arizona.
Mr. President: Referred to the committee on labor.
Reports of standing committee.
Mr. Jones of Yavapai: The committee on suffrage and elections begs leave to report on Propositions Nos. 90, 46, 31, 21, 70, 61 and 51, and also to report on the investigation they have made as to the first State election. I have sent the report to the secretary's desk.
Mr. President: Read the report of the committee on suffrage and elections.
Secretary: (reading) "Phoenix, Arizona, Oct. 29, 1910.
Mr. President: Your committee on suffrage and elections begs leave to report that it has examined Proposition No. 21, and respectfully recommends that it be amended so as to read as follows: "The general assembly at its first session shall enact a direct primary law, which shall also provide for an advisory vote on the election of senators."

Albert M. Jones, Chairman."

Mr. President: The report will be considered in the committee of the whole.

Secretary: (reading)

"Phoenix, Arizona, Oct. 29, 1910.

Mr. President: Your committee on suffrage and elections begs leave to report that it has examined Propositions Nos. 90, 51,46, and 31,

Albert M. Jones, Chairman."

Mr. President: The report of the committee will be received, and come up in the regular order of business in the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, October 29, 1910.

Mr. President: Your committee on suffrage and elections begs leave to report that it has examined Proposition No. 70, and respectfully recommends that it be amended to read as follows: 'The first general assembly shall enact a law providing for general publicity before and after election of all campaign contributions and expenditures, both of campaign committees and candidates.'

Albert M. Jones, Chairman."

Mr. President: The report of the committee will be received, and come up in the regular order of business in the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, Oct. 29, 1910.

Mr. President: Your committee on suffrage and elections begs leave to report that it has examined Proposition No. 61, and respectfully recommends that it be adopted.

Albert M. Jones, Chairman."

Mr. President: Read the proposition.

Secretary: (reading) Proposition No. 61.

Mr. President: The proposition will come up in the regular order of business in the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, Oct. 29, 1910.

Mr. President: Your committee on suffrage and elections begs leave to report as follows:

1. That your committee have thoroughly investigated and discussed the operation of this convention under the Enabling Act to provide that the officers be chosen at the first election of State and other officers shall be nominated by a direct primary.

2. That it is the opinion of your committee that such a provision is within the power of this convention.

3. That it is the opinion of your committee that such direct primary should be required by this convention, and that in such direct primary and the election following, provision should be made whereby an advisory vote of the people shall be taken upon candidates for United States senators.

4. That as to the working out of these measures in detail, will involve much effort upon the part of some member or members of the convention, and will require considerable time, your committee wishes first an expression of the opinion of this convention upon the matters herein reported.

Albert M. Jones, Chairman.

We concur: Fred L. Ingraham, John P. Orme, Alfred Kinney, Sidney P. Osborn, Henry Lovin, John Langdon, James Scott, E. A. Tovrea, Lamar Cobb."

Mr. Cunniff: I move that a measure be prepared, and a draft submitted embodying the suggestions made in the report of the committee on suffrage and elections.
Mr. Orme: Mr. President, it seems to me that we should have some idea how we stand on this subject. As it will take three or four days, or perhaps a week's work, to work out such a proposition, we would like to know how the convention feels before we start to work.
Mr. President: Let the report take the regular course, and come up in the committee of the whole.
Mr. Winsor: "Mr. President: Your committee on legislative powers begs leave to report that it has examined Proposition No. 4, and respectfully recommends:
That the proposition herein submitted by the committee be substituted for Proposition No. 4, a majority of the committee agreeing as to all provisions contained in said Substitute Proposition No. 4 except Paragraph 8, but are together as to the recommendation that the Proposition be adopted. The individual members of the committee reserve the right, regardless of this, to propose and support such amendments as they may see fit to propose and support. I move that the substitute bill be ordered printed."

Mr. Coker: I amend that motion by adding to it that all proposed amendments be printed.
Mr. Winsor: I accept the amendment.
Mr. Wells: I would like to second the motion.
Mr. President: The motion to print amendments is a little premature, inasmuch as no amendments are proposed. I do not know how you are going to manage it.
Mr. Cunniff: I have submitted a minority report on that proposition.
Mr. Coker: I have already submitted a minority report on the proposition.
Mr. President: Read the report of the committee and the minority reports for the information of the gentlemen of the convention.

Secretary: (reading) "Phoenix, Arizona, Oct. 29, 1910.
Mr. President: Your committee on legislative department, distribution of powers and apportionment, begs leave to report that it has examined proposition No. 4, and respectfully recommends that the proposition hereinafter submitted by the committee be substituted for said proposition No. 4. A majority of the committee concur as to all provisions in said substitute proposition No. 4, except paragraph 8, and recommend with such reservation that the proposition be adopted. The individual members, however, reserve the right, regardless of this report, to propose or support such amendments as they may see fit to propose or support."
Mulford Winsor, Chairman.
We concur: M. G. Cunniff: Lysander Cassidy, C. M. Roberts, A. C. Baker, Fred T. Colter, W.T. Webb, Mit. Simms, Thos. Feeney."

Secretary: Substitute proposition No. 4, Introduced by the committee on Legislative Department, Distribution of Powers and apportionment, being a proposition relative to direct legislation.
Secretary: There is also a minority report filed by M. G. Cunniff; J. Weinberger and Lysander Cassidy; also one by Thos. Feeney, Fred Colter and Mit Simms.
Mr. Wells: Mr. President, it seems to me that the substitute is incomplete. I would like to ask for infor-

mation why the blanks are made, and why the figures are not supplied.

Mr. President: I believe that the per centum will be left to the convention, in which the intelligent minority will have a show.

Mr, Wells: The proposition should be complete, in my judgment, because if completed it might save considerable time in discussion if we knew what the percentage was to be. If the committee arrives at a certainty instead of this uncertainty it might save a great deal of time in discussion, and it might as well be arrived at now as then. Though I do not know whether it is included in the motion, I offer as a suggestion that the matter of blanks be settled now.

Mr. Webb: Gentlemen, I desire that my name be striken from the majority report. I submit this minority report, on which I would like the secretary to put the proper heading. I would like to say that a full and free discussion was had of whether or not to fill these blank spaces with any specific percentage, and this was gone into very fully in the course of the committee investigation. We decided that no figures should be named therein, for it makes no difference what figures might be put in, an amendment certainly would have been made. It was after full consideration that the blanks were left.

Mr. President: Read the minority report submitted by Mr. Webb of Graham.

Secretary reads report of Mr. Webb.

Mr. Baker: Mr. President, there is one question in connection with the report of this committee. The convention will notice that the members of this committee have reserved the right to offer future amendments to this proposition and the reports of the committee, and I simply desire to state that I hope we will not be hereafter confused by the proposition because some members of the committee have the right to submit their amendments and do not submit a minority report, and that some members are not bound by this report, that is, he can offer his amendment and file another report at some future time. That is my understanding of the report of the committee.

Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

Mr. Winsor: Mr. President, your committee on legislative department, distribution of powers and apportionment, desires to submit a unanimous report. (Laughter)

Secretary: (reading) "Phoenix, Arizona, Oct. 29, 1910.
Mr. President: Your committee on Legislative Department, Distribution of Powers, and Apportionment, begs leave to report that it has examined Proposition No. 7, and respectfully recommends that said Proposition No. 7 be indefinitely postponed, inasmuch as the subject-matter therein is incorporated in Substitute Proposition No. 4 submitted by this committee.
Mulford Winsor, Chairman.

Mr. Winsor: Mr. President, I move that the report be accepted, and Proposition No. 7 be indefinitely postponed.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Short: The printing committee reports the following propositions printed and returned: Nos. 102,103,104,

105, 106, 107, 108, 109, 110, 111, 112 and 113.
Mr. President: Introduction of propositions.
Secretary: (reading) Proposition No. 126 Introduced by Mr. Carlos C. Jacome of Pima County Relative to Taxation.
Mr. Winsor: Mr. President, I move that the rules be suspended, and that this proposition be read the first time by title only.
Mr. Tuthill: I second the motion.
The motion prevailed.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 127 Introduced by Mr. E. W. Coker. Relative to Water and Water Rights.
Mr. Coker: Mr. President, I move you that the rules be suspended and that it be read the first time by title only.
Mr. Cobb: I second the motion.
The motion prevailed.
Mr. President: First reading of the proposition referred to the committee on printing and 500 copies ordered printed.
Secretary: (reading) Proposition No. 128 Introduced by Mr. Winsor of Yuma County Relative to Official Ballots and the Conduct of Elections.
Mr. Winsor: Mr. President, I move that the rules be suspended and that Proposition No. 128 be read the first time by title, and no copies ordered printed, inasmuch as it is merely desired to refer this matter to the committee on suffrage and elections, in the hope of securing a constitutional amendment of a few lines to cover what it took me four pages to cover.
Mr. Ellinwood: I would like to have it read.
Mr. President: First reading of the proposition.
Mr. Ellinwood: It seems to me that this is a matter of such universal interest, and comprehends the subject in such detail, that we should have the usual number of copies printed.
Mr. Winsor: Mr. President, I certainly have no objection to having it printed, except that it would not be desirable, and I do not think it would be possible to secure the inclusion of anything like all that detail in the constitution. The idea of submitting it in that form was merely for the purpose of giving some idea as to the object and purpose of the constitutional provision desired, and I believe that it would be a useless expenditure of money to print it, but I have no objection whatever to doing so.
Mr. Cunniff: I move that under a suspension of the rules, it be read the first time by title only, and submitted to the proper committee.
Mr. Ellinwood: It seems to me that this is one thing that we want to look into. If the proposition comprehends such detail that it should not go to the printer, it properly is not here as a proposition. We do not know what might come before the committee. We have no copy before us.
Mr. Winsor: We will have a copy of the committee's report.
Mr. Ellinwood: That would be true of every proposition before this convention. There may be minority report; there has been heretofore, and there may be some necessary amendment. It seems to me we should have all the light possible, by having the original proposition

printed.
Mr. President: The motion is on the suspension of the rules. Those in favor of the motion answer aye; those opposed no. The motion is lost. If there is no objection it will go to the printing committee, and 500 copies ordered printed.
Mr. Winsor: I move that it be not printed.
Mr. Cunniff: I second the motion.
Mr. Winsor: While I am perfectly willing to withdraw it, inasmuch as I do not think this is a matter to quarrel over, I would like to say that it would not be a suspension of the rules for this proposition not to be printed. However, I do not wish to have a quarrel, so I withdraw the motion. I would rather see it printed than wrangle.
Mr. President: If there are no objections the proposition will go to the printing committee and 500 copies ordered printed. Hearing none, it is so ordered.
Secretary: (reading) Proposition No. 129 Introduced by Mr. A. A. Moore of Yavapai County Relative to State Lands.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 130 Introduced by Mr. A. A. Moore of Yavapai County relative to Establishing the Office of Mine Inspector.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 131, Introduced by Mr. John Bolan of Cochise County Relative to Apportionment of Senators and Representatives for the State of Arizona.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 132 Introduced by Mr. Colter of Apache County Relative to Public Health.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. President: Committee of the whole. Gentlemen, we have a number of propositions to come up in the committee of the whole. Under our rules, the convention will now resolve itself into a committee of the whole. The gentleman from Graham, Mr. Webb, will take the chair.
Mr. Chairman: The committee will please come to order. Mr. Secretary, what was the business that was referred to the committee of the whole?
Secretary: The report of the committee on suffrage and elections on Proposition No. 21.
Mr. Chairman: Read the original Proposition No. 21.
Secretary: (reading) Proposition No. 21 Introduced by Mr. A. C. Baker of Maricopa County Relative to Primary Elections.
Mr. Cunniff: I move that the committee of the whole recommend that the amendment of the committee on suffrage and elections be referred to the printing committee and the usual number of copies ordered printed.
Mr. Tovrea: I second the motion.
Mr. Chairman: You have heard the motion, are you ready for the question?
Mr. Cobb: Mr. Chairman, there are only two lines in this amendment. I think, therefore, it will be useless to have this amendment printed, as it will be only to add these two lines. Everything is written out in the original proposition; there are only eleven words added.
Mr. Winsor: It seems to me the committee of the whole should consider the matter as it consists of only two lines, and it can afterward be printed.

Mr. Cunniff: That is satisfactory. I withdraw the motion.

Mr. Jones of Yavapai: I would say in reference to the report of the committee on suffrage and elections, that it is the intention of that report to recommend that all of Proposition No. 21 with the exception of the first line and a half be stricken out, and the proposition adopted as reported to the convention; so there is the injection of only half a line.

Mr. Winsor: I move to amend the proposition by inserting the words "for all state, county, municipal, and precinct officers."

Mr. Baker: I second that motion.

Mr. Winsor: I suggest that Judge Baker be given five minutes in which to properly frame the amendment.

Mr. Baker: I could not properly do the matter justice in that time.

Mr. Chairman: Gentlemen, you have heard the motion. Are you ready for the question?

Mr. Cobb: Mr. Chairman: The committee considered the matter very carefully, and we concluded that owing to the fact that there are many small precincts and school districts in the territory, the matter should be left to the legislature.

Mr. Jones of Yavapai: The committee went over that proposition very carefully. There are many precincts in the mountains where there is no primary election held. Therefore, they would have no names of precinct officers on the ballot.

Mr. Lynch: Further than this, the provision of the amended bill as presented makes it mandatory on the legislature to enact such a law. Now, the term "municipality" is very broad; it would cover practically every subdivision we have. Therefore, your first legislature would be compelled to enact a primary law which would cover all the officers of all these subdivisions.

Mr. Orme: The intention of the committee was to compel the legislature to work out these laws. The committee does not think it right that we should put any legislative matter whatever in the constitution, or as little as possible. Under these conditions, we thought the legislature would have time to work out each and every condition for, according to the recommendation in our report, we compel them to pass a direct primary law.

Mr. Ingraham: The sentiment of the committee seems to be that Proposition No. 21 was unnecessarily long. As I understand it, the report of the committee was drawn upon the supposition that the initiative and referendum law would be provided in this constitution, and that we could rest upon a mere suggestion or direction to the legislature that they enact an adequate direct primary law. If the people are not satisfied with the law the legislature shall enact, or if the legislature shall fail to make any enactment, it is within the power of the people to cause such law to be made, if they so desire, under the initiative.

Mr. Chairman: The question is on the amendment offered by the gentleman from Yuma, Mr. Winsor: Those in favor will manifest it by saying aye, those opposed no. The nays have it.

Mr. Winsor: I move that when the committee arise, it recommend that the report of the committee on suffrage and elections on Proposition No. 21 be adopted, and that the proposition as so amended, be adopted.

Mr. Cobb: I second the motion.
The motion prevailed.
Mr. Chairman: We have next the report of the committee on suffrage and elections on Propositions Nos. 90, 51, 46 and 31.
Mr. Chairman: We will take up the propositions one at a time. Read Proposition No. 90; we will consider that first.
Secretary: (reading) Proposition No. 90 Introduced by Mr. A. M. Jones of Yavapai County Relative to Direct Primary.
Mr. Chairman: What is your pleasure concerning Proposition No. 90?
Mr. Winsor: I move that when the committee arise, that it recommend that Proposition No. 90 be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Secretary: (reading) Proposition No. 31 Introduced by Mr. Jones of Maricopa Relative to Primary Election.
Mr. Winsor: I move that when the committee arise, it recommend that Proposition No. 31 be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Secretary: (reading) Proposition No. 51 Introduced by Mr. Ellinwood Relative to Qualification of Voters.
Mr. Ellinwood: I move that when this committee arise, it report that it does not concur with the report of the committee, and that it recommends that the proposition do pass.
Mr. Hutchinson: I second the motion.
Mr. Cunniff: I would like to ask whether the committee has made any report as to the qualification of electors.
Mr. Jones of Yavapai: The committee has made no report as to the qualification of electors.
Mr. Cunniff: I move an amendment to the motion of the gentleman from Cochise, that when this committee arise, it recommend that these two propositions (Nos. 46 and 51) on qualification of voters be referred to the committee on suffrage and elections. Proposition No. 46 Introduced by Mr. Bradner is almost identical with Proposition No. 51. They should not bring in these reports until they have their own proposition with which to compare them.
Mr. Chairman: It is moved that this committee report to the convention a recommendation that Propositions Nos. 46 and 51 be re-ferred to the committee on suffrage and elections. All in favor answer aye; all opposed, no. The ayes have it, and it is so ordered.
Secretary: (reading) Proposition No. 70, with report of committee on suffrage and elections, amending same to read as follows: "The general assembly at its first session shall enact a direct primary law, which shall also provide for an advisory vote on the election of senators."
Mr. Chairman: Does the committee care for the reading of the proposition?
Mr. Winsor: Inasmuch as the report of the committee on suffrage and elections comprehends all the subject matter of the proposition, which I regard as constitutional, I move that when the committee arise, it recommends that the proposition be adopted as amended.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.

Secretary: (reading) Report of the committee on suffrage and elections on Proposition No. 61, recommending that it be adopted.

Mr. Cunniff: I move that when the committee arise, it recommends that this proposition be adopted.

Mr. Feeney: I second the motion.

Mr. Baker: Mr. Chairman, in my opinion, this is purely legislative matter and has no place in the constitution. If you are going to encumber the constitution with the qualifications of each separate officer, you will have a constitution from here to Washington Street, or across the length of the city. This only provides the qualifications of persons holding the office of sheriff, deputy sheriff, etc. What about your senators, your representatives, your boards of supervisors and various other officers? Would it not look funny in your constitution to fix the qualifications of one class of officers, and leave all other officers with no qualifications.

Mr. Ellinwood: I wish to say that it seems to me that the provision is not broad enough to get into the constitution. I think that every person who holds an office in the state should be an elector in the precinct in which he holds office.

Mr. Jones of Yavapai: The gentleman who has just spoken seems to have overlooked that the police officers of the state are the ones who do the arresting, and take the citizens to jail. I think it is absolutely necessary that these should be qualified electors of the precinct from which they come. We could only make a proviso as to elective officers while this includes appointive officers, such as deputy sheriffs; and they surely should be citizens and electors of the precinct. I think this is a good clause, and should go into the constitution, as it is fundamental that this constitution should lay out the qualifications of its state and county officers. I do not think the proposition should be made as broad as suggested, because that provision would disqualify all of our lady school teachers.

Mr. Ingraham: I would like to inquire from the gentleman from Yavapai if the intention of this proposition is not to do away with Pinkerton men. If so, I am heartily in favor of it.

Mr. Ellinwood: Our statute covers that quite fully at the present time, it seems to me; for every officer must be of the age of twenty-one years, and a citizen of the United States.

Mr. Jones: It is the object of this proposition to prohibit citizens of other states from becoming officers of this state. In the northern part of the territory, where I live, they are importing citizens from other states whenever a new sheriff is elected.

Mr. Feeney: I heartily agree with Mr. Ellinwood. I think all officers should come under this category.

Mr. Cunningham: I desire to offer as an amendment to the motion that when this committee arise it recommend that the report of the committee upon Proposition No. 61 be referred to the committee on executive, impeachment and removal from office, committee No. 3.

Mr. Cobb: I second the motion.

Mr. Ingraham: I cannot see any reason for this, unless the members desire to avoid the question. What is the use of referring this back and forth from one committee to another.

Mr. Ellinwood: I am free to say that I am not prepared to vote on the proposition now. It ought to be referred so that we can have further consideration of the matter.
Mr. Cunningham: The result of the motion as amended will more than probably be that committee No. 3 in its report will specify the qualifications of all the officers, and in that way it will cover the point as well as the qualification of other officers.
Mr. Chairman: Are you ready for the question? Shall the committee of the whole recommend when it arise that Proposition No. 61 be referred to committee No. 3 for further consideration? All who favor the proposition will say aye; all opposed no. The secretary will call the roll.
Roll call showed 40 ayes, 6 nays.
Mr. Chairman: The ayes have it, and it will be so referred.
Mr. Jones of Yavapai: As Chairman of the committee on suffrage and and elections, I wish to move that when the committee arise, it report that it is the sense of the committee that the officers to be chosen at the first election shall be nominated by direct primary; that in such direct primary election full provision shall be made whereby an advisory vote of the people shall be taken oncandidates for United States senators.
Mr. Cunniff: The committee has considered this subject for the last ten days or so, and I am not clear that we have the power to do this, I think we should have more time to look into our powers, and make theconsideration of the report of the oommittee a special order for the committee of the whole. I move therefore that it become a special order of aaid committee on Monday.
Mr. Winsor: I believe several members of the convention are laboring under the misapprehension that this provision would be included within the constitution. That is not the case; as I understand it, it will simply be included in the election ordinance.
Mr. Moeur: The Enabling Act is quite brief in laying down specifications for the first election of state officers. The substance of it is that the qualification of electors shall be the same as that under the laws of 1901, but any further regulation of this election is limited. It seems to me that any person who studies the Enabling Act will come to the conclusion that this convention in the election ordinance provides some election laws; that is we must concede that this election must be conducted in accordance with the rules laid down in the territorial statutes for some year, say 1901. Also we must provide in some way, either by nomination of political party in convention assembled, or by petition or by direct primary or in some such way. Now the purpose of this resolution is to get at the opinion of this convention so as to save the committee a large amount of work. I would say to the gentlemen who are in favor of postponing this matter, that if we can get an expression of the convention on the matter, we can go ahead and attend to the matter.
Mr. Wells: That is a very important proposition, and one on which the question on constitutionality may arise. We should not hesitate to do all that is right and proper, and I think we should make it a special order for Monday, in order to investigate.
Mr. Chairman: The secretary will read the original motion made by Mr. Jones.

Secretary: (reading) "Mr. Jones moved that when this committee do arise, it report that it be the sense of the convention that the officers to be chosen at the first election shall be nominated by direct primary. That in such direct primary election full provision shall be made whereby an advisory vote of the people shall be taken on candidates for United States senator. Mr. Cunniff amended, making the matter a special order for the committee of the whole on Monday.

Mr. Jones: I accept the amendment.

Mr. Chairman: You have heard the motion. All those in favor say aye; those opposed no. The ayes have it and it is so ordered.

Secretary: (reading) "Report of the committee on legislative department, distribution of powers and apportionment, recommending that the proposition herewith submitted be substituted for Proposition No. 4."

Mr. Winsor: That was not placed on the calendar of the committee of the whole. It cannot come up until the substitute also comes before the convention.

Secretary: (reading) "Report of the committee on Ordinance on proposition No. 19, returning same without any recommendation."

Mr. Cunniff: I move that the consideration of this be postponed until the other ordinance proposition as recommended by the committee comes up before the committee of the whole.

Mr. Roberts: I second the motion.

The motion prevailed.

Secretary: "(reading) There are no further matters on the calendar of the committee of the whole.

Mr. Winsor: I move that the committee do now arise, and report progress.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Webb: Mr. President, your committee of the whole begs leave to report that it has examined Proposition No. 21, and recommends that it be adopted as amended; that it has examined Proposition Nos. 90 and 31 and recommends that they be indefinitely postponed. They have also examined the following propositions, and recommend as follows: That No. 51 be re-referred to committee on suffrage and elections; that No. 46 be re-referred to committee on suffrage and elections; that No. 70 be adopted as amended; that No. 61 be referred to committee No. 3; that special report of committee on suffrage and elections be submitted to the committee ofthe whole on Monday, October 31, 1910; that consideration of No. 19 be postponed until Proposition No. 119 is before the committee of the whole.

W. T. Webb, Chairman."

Mr. President: What will you do with the report of the committee of the whole? We will first take up Proposition No. 21.

Mr. Webb: I move that the report of the committee as to Proposition No. 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

The motion prevailed.

Mr. Webb: I move that the report of the committee on Proposition No. 90 be adopted, and further consideration

be indefinitely postponed.
Mr. Cunningham: I second the motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee of the whole on Proposition No. 31 be adopted, and that said proposition be indefinitely postponed.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee as to propositions Nos. 46 and 51, recommending that said Propositions be referred to the committee on suffrage and elections, be adopted, and said propositions be so referred.
Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee of the whole on Proposition No. 70 be adopted, and that said proposition as amended be engrossed, and have a third reading.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee on Proposition No. 61 be adopted, and that said proposition be referred to committee No. 3.
Mr. Cobb: I second the motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee of the whole on the special report of the committee on suffrage and elections relating to direct primary for the first state election, be adopted and that said matter be referred to the committee of the whole for Monday, October 31.
Mr. Jones: I wish to second that motion.
The motion prevailed.
Mr. Webb: I move that the report of the committee of the whole on Proposition No. 19 be adopted, and that action on said proposition be postponed until Proposition No. 119 is before the committee of the whole.
Mr. Short: I second the motion.
The motion prevailed.
Mr. President: Second reading of propositions.
Secretary: (reading) Proposition No. 102 Introduced by Mr. Jones of Yavapai Relative to Appropriations.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 103 Introduced by Mr. Cassidy of Maricopa County Relative to a Legislative Bureau of Research.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 104 Introduced by Mr. Fred L. Ingraham of Yuma County Relative to Bill of Rights.
Mr. President: Second reading of the proposition; referred to the committee on preamble and declaration of rights.
Secretary: (reading) Proposition No. 105 Introduced by Mr. Wells of Yavapai County Relative to Corporations.
Mr. President: Second reading of the proposition; referred to the committee on private corporations.
Secretary: (reading) Proposition No. 106 Introduced by Mr. Wells of Yavapai County Relative to Finance and Taxation.

Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 107 Introduced by Mr. C. C. Hutchinson of Coconino County Relative to Militia.
Mr. President: Second reading of the proposition; referred to the committee on militia and public defense.
Secretary: (reading) Proposition No. 108 Introduced by Mr. S. B. Bradner of Cochise County Relative to Elections.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 109 Introduced by Mr. Webb of Graham County Relative to Railroads.
Mr. President: Second reading of the proposition; referred to the committee on railroads.
Secretary: (reading) Proposition No. 110 Introduced by Mr. Bolan of Cochise County Relative to Legislative Department.
Mr. President: Second reading of the proposition; referred to the committee on labor.
Secretary: (reading) Proposition No. 111 Introduced by Mr. E. L. Short of Yuma County Relative to Elections.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 112 Introduced by Mr. James Scott of Navajo County Relative to Ordinance.
Mr. President: Second reading of the proposition; referred to the committee on ordinance.
Secretary: (reading) Proposition No. 113 Introduced by Mr. F. A. Jones of Maricopa County Relative to Railroads and Common Carriers.
Mr. President: Second reading of the proposition; referred to the committee on railroads.
Mr. Short: I move we adjourn until 9 o'clock Monday morning.
Mr. Ingraham: I second the motion.
The motion prevailed.
Convention stood adjourned until 9 a.m. October 31, 1910.

JOURNAL - October 31, 1910, 9 A.M.

Mr. President: The convention will come to order. Secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. Standage: I have a resolution I would like to have read.
Secretary reads resolution of condolence on bereavement of delegate B. B. Moeur, on death of his mother.
Mr. Cunniff: I move that the resolution be adopted.
Mr. Franklin: I second the motion.
Resolution adopted.
Mr. President: Reports of standing committees.
Mr. Wood: Mr. President, your committee on finance, accounts and expense, has a report for the week ending

October 29.

Secretary: (reading) "Phoenix, Arizona, Oct. 31, 1910. Mr. President: Your committee on Finance, Accounts and Expense, in further compliance with a resolution requiring them to report to the convention weekly, begs leave to submit the following report:

Expenses of the convention for the week ending Oct. 29th, consists of the following:

Pay Roll of members October 29.............	$1470.00
" " Attaches " 29.............	1176.00
Printing and Delivery of 81 Propositions, 141 pages at contract price of $2.00 per page...................	282.00
Printing and Delivery of one Memorial, 2 pages, at $2.00 per page................	4.00
Postage Stamps............................	100.00
4000 Wrappers (1¢)........................	40.00
500 Wrappers (2¢)........................	10.00
Stationery and Sundries, Bills not returned, but estimated by Secretary of Arizona, who ordered same, at.............	50.00
Total for week ending October 29,........	$3132.00

Respectfully submitted,
H. R. Wood, Chairman.
F. A. Jones,
Lamar Cobb."

Mr. Wood: I move that the report be adopted.
Mr. Baker: I second the motion.
The motion prevailed.
Mr. Cobb: I have a resolution to introduce.
Secretary: (reading) "Resolution No. 11 Introduced by Mr. Cobb of Graham County.

Whereas, the apportionment of members of the legislature of the State of Arizona among the various counties thereof will be made in proportion to their population, and

Whereas, the population of Graham County as given in the published report of the census office includes what will be on January 1, 1911, Greenlee and Graham Counties, therefore,

Be It Resolved, that the secretary of this convention be authorized and instructed to request the director of the census, by wire, to furnish the population of Graham County, or if that is not available, the enumerated population of every justice, or census precinct in the present limits of Graham County."

Mr. Cobb: Mr. President, I move the adoption of the resolution.
Mr. Webb: I second the motion.
The resolution was adopted.
Secretary: (reading) "Resolution No. 12 Introduced by Mr. Webb of Graham County.

Whereas, the preliminary work of this convention is completed and the adoption of constitutional matter as separate propositions will speedily follow, and

Whereas, the publication of such separate propositions so adopted would be of great interest to the people of Arizona; therefore

Be It Resolved, that the printing committee be, and is hereby instructed, to call for bids for the publication in some newspaper of general circulation of all propositions as the same may be separately agreed to, and report back to this convention the result of such call for bids."

Mr. Webb: I move the adoption of Resolution No. 12.
Mr. Osborn: I second the motion.
Mr. Webb: I would like to call attention to the fact that this resolution will not impose any obligation upon us, it simply instructs the printing committee to see what this printing can be done for.
Mr. Ellinwood: I cannot see the purpose of publishing in any newspaper a part of the constitution.
Mr. Webb: Will the gentleman from Cochise yield for a moment? Heis speaking under a misapprehension. The constitution will be passed as separate propositions; one part has already been passed, that is the preamble. Each part should be published as passed, for the information of the people of the territory.
Mr. Ellinwood: I certainly was under a misapprehension as to what was meant by this resolution. I understood that the separate articles meant were the separate things named in the "Enabling Act", but the purpose is evidently that each separate matter as it comes before our body during our session shall be at once submitted to the people. Is that the purpose?
Mr. Webb: I think the meaning is very clear. It means that each separate proposition as adopted shall be published. The purpose of this proposition is simply to learn what it would cost to publish each part as rapidly as passed.
Mr. Cunningham: I understand that the purpose of this resolution is simply advisory to the printing committee, and intended as such, the committee to report back to the convention.
Mr. Ellinwood: But why should they be put to all the trouble if we are not going to adopt it or act upon it. We might as well discuss it now. There is a very serious matter to which I wish to call your attention. We have no particular paper in Arizona that would give all the people of the territory an opportunity to see what was printed. If this is for the purpose of putting it before the people, then you will have to publish it in all the papers, which would certainly entail a very large expense.
Mr. Webb: We cannot well discuss this question until we have the estimate of the cost. If the cost is only nominal, I do not think even the gentleman from Cochise would object to it. But, on the other hand, if the cost is excessive, we would not have it done. It would be no great burden on the printing committee to call for bids, and report to the convention.
Mr. Ellinwood: I wish to move as an amendment, that the committee at the same time report the circulation of each paper putting in a bid.
Mr. Webb: I accept the amendment.
Mr. Winsor: I move as another amendment, that the printing committee at the same time, ascertain whether the secretary of the Territory will approve the item.
Mr. Webb: I accept that amendment. I had intended to incorporate that in the motion.
Mr. Cunningham: I move as a further amendment--
Mr. Webb: I rise to a point of order. There can be no further amendment.
Mr. President: The point is well taken.
Mr. Jones of Maricopa: It seems to me that almost any newspaper in the territory is enterprising enough to publish this, and I believe we would have only to furnish

the copy to them.
Mr. President: Gentlemen, you have heard the resolution and amendments. You will answer as your names are called. The secretary will call the roll.
Secretary: The vote is 31 ayes; 17 nays.
Mr. President: The resolution has been adopted. Introduction of Propositions.
Secretary: (reading) Proposition No. 133 Introduced by Mr. E. A. Tovrea of Cochise County Relative to Highways.
Mr. Cassidy: I move the rules be suspended for today and all propositions on the secretary's desk be read by title only.
Mr. Short: I second the motion.
The motion prevailed.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 134 Introduced by Mr. E. A. Tovrea of Cochise County Relative to Private Corporations.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 135 Introduced by Mr. M. G. Cunniff of Yavapai County Relative to Married Women's Property.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 136 Introduced by Mr. M. G. Cunniff of Yavapai County Relative to Employment on Public Works.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 137 Introduced by Mr. M. G. Cunniff of Yavapai County Relative to Black Lists.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 138 Introduced by Mr. M. G. Cunniff of Yavapai County Relative to State Geologists.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Mr. Parsons: I have a communication from A. C. Lockwood of Douglas, Arizona, that I would like to have referred to the committee on judiciary. It need not be read in the convention.
Mr. President: The convention will now resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Ellinwood, will take the chair.
Mr. Chairman: The committee will come to order. The first business before the committee of the whole is the special report of the committee on suffrage and elections relating to direct primary. Read the report.
Secretary reads report.
Mr. Chairman: Gentlemen, what is your pleasure?
Mr. Jones of Maricopa: I move that it is the sense of the committee that the resolution be adopted, and provisions be made to have it carried out.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Jones of Maricopa: I move that when the committee arise, it report such recommendation to the convention.

Mr. Webb: I second the motion.
The motion prevailed.
Mr. Chairman: There is nothing further to come before the committee. A motion to arise will be in order.
Mr. Winsor: I move that the committee arise, and report to the convention.
Mr. Short: I second the motion.
The motion prevailed.
The president resumed the chair.
Mr. President: The convention will come to order.
Mr. Ellinwood: Mr. President, your committee of the whole having had under consideration the special report of the committee on suffrage and elections, reports that it is the sense of the committee of the whole that the resolution be adopted, and such measures taken as may be necessary to carry the same into effect. I move the adoption of the report.
Mr. Parsons: I second the motion.
Mr. Kingan: I did not catch the full import of the measure. I understand that it provides for the people indicating who they prefer for United States senators. Am I correct?
Mr. President: That is the purpose of the measures.
Mr. Kingan: I am opposed to the matter, Mr. President, for this reason: The constitution of the United States provides in Section 3 of Article 7, that the legislature of the state shall elect senators. I think we should obey the spirit as well as the letter of the constitution of the United States. I think it means that the legislature in their untrammeled discretion shall elect senators, and that the people under the constitution of the United States have no right to dictate to the legislature who they shall vote for for senator. The constitution reposes that duty and that power in the legislature. It does not lie in any other person. Personally, I would like to see this, but I believe as long as the constitution says the legislature shall elect as they see fit, I think to dictate to or instruct the legislature would be repugnant to the spirit of that document.
Mr. Ellinwood: Mr. President, I have some data in print which I think thoroughly answers the statement of the gentleman from Pima. The legislatures of more than two-thirds of the states have passed resolutions favoring this plan. The House of Representatives has passed a resolution for a constitutional amendment to provide for the popular election of senators. The matter was before the national democratic convention of 1908, and they favored it. Mr. Taft in his acceptance speech announced himself in favor of this reform. The senate, however, refused to concur in the proposed amendment. Because of the apparent hopelessness of action by Congress a number of states have accomplished the desired result by independent action. The states of Oklahoma and Nebraska deal with the matter in their constitutions. Senators are now nominated by direct primary in the states of Alabama, Arkansas, Calfornia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Nebraska, North Dakota, Tennessee, Virginia, Washington and Wisconsin. The resolution contemplates that the election shall be advisory to the legislature of the new state, to express the wish of the people.
Mr. Cunniff: Mr. Ellinwood has just given you the figures on the question. There is at the present time because of the action of two-thirds of the states, an amendment

to the Constitution of the United States to that effect, though it is not actually in existence. Following to its logical conclusion the proposition of the gentleman from Pima, we would decide that the electors for president of the United States might be absolutely untrammeled by the wishes of the people voting for them.

Mr. Winsor: I take it that when the gentleman from Pima made a plea for the right of an untrammeled legislature under the spirit of the Constitution of the United States, to elect United States senators, he must have had in mind the untrammeled legislatures of Illinois, Colorado, Montana, New Jersey, and other states, which have recently come into prominence.

Mr. Wells: I would like to ask for information the scope of the measure. I did not catch it when it was read.

Mr. President: Read the resolution, Mr. Secretary.

Secretary reads resolution.

Mr. Jones of Yavapai: I think the gentlemen who have spoken on this subject have taken a wrong view of the matter. The report of the committee only refers to the first election after statehood.

Mr. Wells: That is the subject that I wish this convention might thoroughly understand. Now, it is the desire of this body to keep away from all entanglements, and to proceed in a manner so that some result will come from our action here. I am in complete harmony with direct elections, but we should here confine ourselves to the acts of Congress, and particularly the Enabling Act, which should be our guide. The intention of Congress as defined in the Enabling Act is that the laws of the territory of Arizona as they exist today shall guide us in electing our first state officers. If you will turn to the Enabling Act, and permit me to go through it as I did for myself in this investigation, you will see that the intention of Congress is to adopt, or rather refer the matter to the existing laws of the Territory of Arizona. I know we want to be right in this, and our only wish is to conform to that which will bring results. On page 13, in Section 19, the first reference is made to the conduct of election. Also see page 16, Sections 21 and 23. In section 34 we have the conclusion. There we have the express direction that all laws of said territory in force at the time of its admission into the Union shall be in force in said state until modified. Of course, we can go ahead and provide for direct nomination, etc., but are you proceeding safely in doing that? Is it safe to proceed when we have to change the meaning of the act of Congress? It seems to me that it is not safe. I merely suggest this.

Mr. Baker: I think the gentleman from Yavapai has fallen into the error of confounding the election provided for in the enabling act for state officers, with the primary election. They are wholly different and distinct. The enabling act is perfectly silent upon the question of primary election. There is, however, a further difference, as pointed out in the case of Woodruff vs. State, 65 N.J. 59, Atlantic Rep. 294. I am free to confess we can in no way alter nor will this convention attempt to alter the terms of the enabling act as to the regular election of state officers. It is clear in my mind that the act being silent as to the mandatory system for nominating officers, this convention will be absolutely free to provide for such mandatory election.

Mr. Parsons: As I view it, the gentleman from Pima has stated that he does not want to violate the spirit of the United States Constitution. I know of no better way on earth of observing the spirit of that Constitution than to vote for, and adopt, this report, giving us a chance to see that the legislature will do what the constitution contemplates it should do, elect senators in an untrammeled manner. If the legislature wants to carry out the wishes of the people, how will they know unless the people instruct them in some manner. I think we should fix the act in the strongest terms, so that the legislature will know and be bound by what we want them to do. The gentleman from Pima says we are reversing the enabling act, but that law was in force in one of the thirty two or thirty three states of this Union, which have already done just what we are trying to do. I have heard of no senator or United States representative having his seat contested on this ground. Further, the secretary of the territory (who has well deserved the title, "The Watch Dog of the Treasury") may not approve of the expenditure occasioned by this bill. If that were the case, I am sure a number of members of this convention would pledge themselves to make good any such expense incurred in that behalf.

Mr. Cunniff: I agree with what has been said by the distinguished gentleman from Maricopa, Mr. Baker. All enabling acts are very much alike. My distinguished colleague, Mr. Wells, has pointed out certain sections of the enabling act which bear but little on the subject, but he fails to give much light upon the question raised by Mr. Baker, namely, that the enabling act is silent as to the method of holding this election. Other things such as qualification of voters are mentioned but we have absolutely nothing about method. The enabling acts of the seven states most recently admitted into the union have provisions on this subject, and the gentlemen who drew up our enabling act had some reason for leaving out such a provision, and making a change. The distinguished gentlemen in Washington undoubtedly had these other enabling acts before them while preparing ours. Our enabling act simply provides that the election shall be held atthe time named by the proclamation of the Governor of Arizona, and is absolutely silent on the point made perfectly clear in other enabling acts. Let us consider page 16, Section 22, of the enabling act. It seems to me that in the absence of definite information in the enabling act, we certainly have the right and privilege, and as intelligent men, I think we ought to exercise it. This constitutional convention, I believe, has the authority to draw up an ordinance governing the election to be held and therefore I feel we are taking wise action in requesting the committee on suffrage and elections to perfect a plan for holding first election.

Mr. Ingraham: The committee on suffrage and elections, Mr. President, desired information upon two points, one a point of law, and the other a point of policy. The point of law has been touched upon here; the point of policy has also been handled to some extent. It seems to me that, briefly, the point of policy is this: When Arizona stands knocking at the doors of congress if our ordinance provides that our first senators be chosen by direct vote of the people, will that militate against the admission of Arizona? Also, there is the question of policy, whether senators should ever be chosen by direct vote of the people. The point of law involved is, briefly, whether we have the power to provide an ordinance for the primary election, not only concerning United States senators, but also state and county officers to be chosen under this constitution. It seems to me there are just as full and authoritative expressions used in our enabling act, as in that of Oklahoma. We have the power to provide for the ballot which shall be voted at that election; and if we have that power we have the same power to prescribe what shall be the official ballot for the state officers also. The only point at which our power to provide for such election might come in conflict with the provisions of the enabling act, or with the authority of the territorial officers, to my mind, is the question of the expense of the primary election. Would it be a legitimate tax on the appropriation made by congress for paying the expenses incurred under this enabling act? Further, I wish to call to your attention the fact that after the democrats and republicans have chosen their nominees, there still remains another step. Shall those names be put on the official ballot, and shall the secretary of the territory, or other officer, who is provided shall canvass the vote in this election, also canvass the advisory vote for United States senators? Now, we of the committee, have come here for light. We know that there are many lawyers in this body, and before we take any steps we should consider fully the advice of these lawyers as to the law, and of the other members as to the question of policy.

Mr. Franklin: This discussion is getting to a very interesting phase. I infer from the enabling act that although the Governor of the Territory is by proclamation to call the election, that proclamation is governed as to time by this constitutional convention. The grant of power to this constitutional convention is limited as to the time of holding this election. There is no other grant of power that we can exercise except this matter of fixing the time. From this enabling act we see that the laws of this Territory are to govern until otherwise changed. If we confine ourselves to sections twenty-two and twenty-three, it is a very serious question as to the legality of this convention prescribing any other method or means of electing these officers than those means now prescribed by the territorial laws of Arizona. I realize that the people of Arizona, almost irrespective of party, are in favor of election by direct primary of the officers of this state, including an advisory vote for the senators. I am heartily in accord with this, but as a question of policy I doubt whether this is legal, if it should be taken to the courts. While I believe in the broad statesmanship of the members in the halls of Congress unaffected by party considerations, I am not fully persuaded either as to the legality or the propriety of this course. I shall however yield to the wishes of the majority of my party and vote for this resolution.

Mr. Cooper: I am in accord with the sentiments just expressed by the gentleman from Maricopa, and I, like him, fear any departure from the strict provisions of this enabling act. This is the first time in the history of this territory that we have had the opportunity placed before us for admission to statehood, but it is not the last opportunity we shall ever have to prescribe methods of election or for carrying out the wishes of the people. If it were, matters might present themselves in a different light, but the situation, existing as it does, I think it would be unwise and unsafe for us to take one single step that might interfere with our admission. I, like the gentlemen who have spoken, believe in most thoroughly, and have the most hearty desire to see, the people governing themselves, but I feel that we should not take the slightest risk as to our admission in anything we do in this convention.

Mr. Webb: I would like to call the members' attention to the fact that the enabling acts for New Mexico and Arizona are identical except as to paragraph 19. The difference between these and the other states which have recently been admitted into the Union, is due to the fact that they had only one election, while we have two. Their election was for the ratification of the constitution and the election of state officers at the same time; ours provides for two seperate elections. This question was taken before the Supreme Court of Oklahoma, from the opinion of which court I will read extractions. Other conventions have had the matter up. The laws of the Territory of Arizona provide a primary election for all county officers, and it was the intention of the committee on suffrage and elections merely to extend the provisions of the law of 1909 to govern state officers.

Mr. Lynch: The gentleman from Maricopa has told us that our only right with reference to the first election is the naming of the time of same. I cannot as a legal proposition hold myself to believe that we have no further right. Mr. Webb has pointed out our only remedy and available loophole. We have in force a primary law, we have no right to change it, except in such particulars as are necessary to put it into operation in the first election for state officers.

Mr. Cunniff: I should like to ask how we can specify the time of this election. We have no means of knowing when Congress will have acted.

Mr. Webb: The time will have to be prescribed tentatively, and this election held within a certain limit. We can state that it shall be held at the time named in the proclamation of the governor.

Mr. Jones of Yavapai: Speaking of the time of this election, after the president takes action, he shall then notify the governor, who shall within thirty days after the receipt of such notification issue his proclamation of election, said election to be held not earlier than sixty nor later than ninety days after the proclamation of the governor ordering same.

Mr. Wells: The argument has drifted in the right direction. I make no point as to the election of United States senators, for the Senate and House of Representatives are judges of the authority of their members. Whether we are right or wrong will cut no figure with them. Now the question of legality has been mentioned by Mr. Franklin and the two gentlemen from Graham. We do not wish to have any entanglement if we can avoid it. The only remedy I can see is suggested by the gentleman from Graham. The laws now in effect are kept in force by the enabling act. The laws of the Territory of Arizona control within the jurisdiction of Arizona; the laws of the United States control within the jurisdiction to which it is intended to be applied, and this enabling act is intended by congress to be applied to the territories of Arizona and New Mexico, and not elsewhere, and any conclusion reached by courts in other states and territories does not apply here at all. This enabling act is our guide, and we must stand by it. I do not say that congress would interfere if we elected our senators or state officers in a different way; they might leave this matter to our Arizona courts. Why should we legislate at all, when such legislation may be in conflict with the desires of congress. In this way we can keep out of trouble. It seems to me that it is perfectly plain and there is no difficulty about it. We might just as well keep our hands off, and stand in a position about which there is no question.

Mr. Winsor: Look again at Section 21 of the Enabling Act. I tried to make this point clear in my previous argument. The power of the convention rests in the first few lines of Section 21 of the enabling act; the substance of it being that this convention shall provide for the submission of the constitution to the people of Arizona at an election. Now can there be any doubt that we have full power over the method of that submission.

Mr. Ellinwood: We are getting away from the question of law, with respect to what the courts call an election, for a primary election is not an election according to the courts.

Mr. Kingan: The law of 1901 provides for nominations and not for primary elections.

Mr. Ellinwood: Again I refer you to Section 34 of the enabling act.

Mr. Kingan: It certainly was not the intention of congress in the enabling act to provide that the convention should exercise the right to prescribe an election nor is it the duty of this convention to do so unless congress intended that we should.

Mr. Ingraham: I would like to refer you to Section 13 which refers to election of officers, and I call the attention of the convention to the words of the provision of statute laws of the Territory of Arizona for 1901.

Mr. Baker: Mr. President, I do not desire to continue this discussion, which has already been too lengthy, but I wish to say that the gentleman from Cochise, Mr. Ellinwood, has amply explained my original statement with reference to this matter, and has referred to the section, which is very clear in my mind, that the primary election is very different from the state election and this distinction should be thoroughly understood now, and in the book to which I referred, I find nothing further.

Mr. Kingan: Does the law state that there shall be any primary elections? There can be no election of candidates except by nomination, and there is no authority for any other kind of an election.

Mr. Baker: Mr. President, I think that the makers of the enabling act presumed to know the law, and there is a broad difference between primary elections for state officers and the regular election. I found no case than that which has been quoted where it was necessary for them to designate between the two elections.

Mr. Wells: The form of ballot would be declared by the governor.

Mr. Ingraham: I would think that such must be provided and declared by this convention, that is the form of ballot.

Mr. Wells: Yes, I think that it should be provided by the convention, but the question would be "yes" or "no", not as to the resolution or the authority of the resolution.

Mr. Ingraham: I wish to refer to the ordinance of the territory of Oklahoma upon this point. I think that it is within our power to do the same as Oklahoma and that this convention must provide and declare and prescribe by ordinance in a similar manner for a state election and the form of ballot that shall be used at that election. I ask you to return to Section 17 of the enabling act, and Section 23. There is no question my mind that it is within the right and power of this convention to provide by ordinance for the state election of officers. There is no authority in the present laws for the state ballot. There is no authority in the State of Arizona for state officers, for the election of a new Judiciary, for we have never had an elective judiciary or elective state officers. There is no authority for the election of a congressman to the lower house. We have a delegate to congress and not a representative, and the laws of the territory are entirely void of any provision. I am certain that by ordinance, we as a constitutional convention, shall prescribe and provide for such an election as this section refers to.

Mr. Ellinwood: I realize that the purpose of this discussion is that those who have the question to decide may act rightly in the matter and without any error whatever, but in my mind it is perfectly clear, and I agree with the gentleman from Maricopa, Mr. Baker, that the requirements are absolutely clarified in this very section 23, of the enabling act, whereby the constitutional convention shall prescribe by ordinance that an election shall be held, and the question of the primary election is not a part of this subject. Primary election is a different matter and absolutely foreign to this section and to the subject under discussion. The primary election has reference to some general election and the manner of such election, but this question does not apply to the matter at all, is not before the convention in that light, therefore, I say that the remarks of the gentleman from Maricopa, Mr. Baker, are clear and comprehensible, and that this convention has the power to prescribe for such an election as is defined in the sections quoted, 21 and 23.

Mr. Cunniff: I agree with the gentleman from Maricopa and the gentleman from Cochise.

Mr. Ingraham: I would like to ask the gentleman from Cochise a question: Must we not provide a mode for this election in this convention?

Mr. Ellinwood: I would refer you to the provisions of the enabling act in Section 34. Now, Mr. President, it seems to me that this section defines the whole question so clearly that there should be no further debate, for such provisions with regard to elections or mode of elections are subject to the acts of this convention. The gentleman from Yavapai, Mr. Wells, who is never far from right, and usually covers all questions in his explanations, has not understood the provisions of this section with regard to the matter of elections, either as a general or primary election for the state officers of United States senators.

Mr. Kingan: Mr. President, I would like to ask a question.

Mr. President: The gentleman from Pima will ask the question.

Mr. Kingan: Does not section 19 explain the matter of elections, and is not the enabling act our sole guidance in this matter?

Mr. Winsor: Inasmuch as this question has been discussed

from beginning to end three or four different times, and as the time allowed by the enabling act for this convention is rapidly drawing to a close, I move the previous question.
Mr. Wood: I second that motion.
Mr. Orme: I would like to know if the law of 1901 would conflict with the laws of 1909 or any other law of the enabling act.
Mr. Cunniff: The previous question has been moved and seconded. I would like the resolution read.
Mr. President: The secretary will please re-read the resolution.
Secretary: (reading) "Mr. President: It is the sense of this committee that the Report be adopted and that such necessary steps be taken to carry same into effect."
Mr. President: The secretary will call the roll and those who are in favor of adopting the report will answer aye; those opposed will answer nay.
Roll call showed 41 ayes and 8 nays.
Mr. President: The motion is carried.
Mr. Ingraham: I move we place this report in the hands of a special committee to be appointed by the president.
Mr. Lynch: I second the motion.
The motion prevailed.
Mr. President: Second reading of propositions.
Mr. Ellinwood: I would like to ask unanimous consent to refer back to the introduction of propositions.
Mr. President: If there are no objections we will refer back to the introduction of propositions.
Secretary: (reading) Proposition No. 139 Introduced by Mr. Keegan of Gila County Relative to Minor Offenders.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 140 Introduced by Mr. Keegan of Gila County Relative to Juvenile Courts.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 141 Introduced by Mr. Keegan of Gila County Relative to Child Labor.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 142 Introduced by Mr. Ellinwood of Cochise County Relative to Railroad and Other Transportation Companies and Telegraph, and Other Transmitting Companies Controlling Competing Lines.
Mr. President: First reading of the proposition; referring to the printing committee and 500 copies ordered printed.
Mr. President: Second reading of propositions.
Secretary: (reading) Proposition No. 114 Introduced by Mr. Wills of Pinal County Relative to Officers to be Chosen.
Mr. President: Second reading of the proposition; referred to the executive committee.
Secretary: (reading) Proposition No. 115 Introduced by Mr. Kingan of Pima County Relative to Legislative.
Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 116 Introduced by Mr. Lovin of Mohave County Relative to Bill of Rights.
Mr. President: Second reading of the proposition; re-

ferred to the committee on preamble and declaration of rights.
Secretary: (reading) Proposition No. 117 Introduced by Mr. Bracey Curtis of Santa Cruz County Relative to Bribery and Corruption.
Mr. President: Second reading of the proposition; referred to the committee on suffrage and elections.
Secretary: (reading) Proposition No. 118 Introduced by Mr. Bracy Curtis of Santa Cruz County Relative to Corporations, Banking and Currency.
Mr. President: Second reading of the proposition; referred to the committee on private corporations and banks.
Secretary: (reading) Proposition No. 119 Introduced by Ordinance Committee, Morris Goldwater, Chairman: Relative to Ordinance.
Mr. President: Second reading of the proposition. Gentlemen, that will come up before the committee of the whole with Proposition No. 19.
Secretary: (reading) Proposition No. 120 Introduced by Mr. Cunniff of Yavapai County Relative to Recall of Elected Officers.
Mr. President: Second reading of the proposition; referred to the committee on executive, impeachment and removal from office.
Mr. Moeur: I move that the convention take a recess until 2 p.m.
Mr. Franklin: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. A quorum is present. Gentlemen of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa.
Mr. President: Reports of standing committees.
Mr. Short: The committee on printing and clerks desires to report that the following propositions have been printed and returned: Nos. 114, 115, 116, 117, 118, 119 and 120.
Secretary: (reading) Proposition No. 143 Introduced by Mr. Connelly of Cochise County Relative to the Qualification of voters.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 144 Introduced by Mr. Bradner of Cochise County Relative to Judiciary.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 145 Introduced by Mr. Jones of Yavapai Relative to Marriages between races.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 146 Introduced by Mr. Ingraham of Yuma County Relative to Executive.
Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.
Secretary: (reading) Proposition No. 147 Introduced by Mr. Ingraham of Yuma County Relative to Taxation.

Mr. President: First reading of the proposition referred to the printing committee and 500 copies ordered printed.
Mr. President: Gentlemen, we are through with our order of business, what is your further pleasure?
Mr. Weinberger: Mr. President, I move that the convention adjourn until 9 a.m. tomorrow morning.
Mr. Roberts: I second that motion.
The motion prevailed.
Convention adjourned to 9 a.m. November 1, 1910.

JOURNAL. November 1, 1910. 9 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for the prayer.
Prayer by the chaplain.
Minutes read and approved.
Mr. President: Reports of standing committees.
Mr. Winsor: The committee on legislative department having had under consideration the propositions referred to it, find a number of propositions that were improperly referred; similar propositions being in the hands of other more appropriate committees. We return them herewith, with appropriate recommendations. Mr. President
Mr. President: If there is no objection, the report of the committee will be accepted and the propositions referred to the committees as recommended. The heading of these propositions does not always indicate the subject-matter.
Mr. Parsons: Mr. President: Your committee on Federal Relations, to whom was referred proposition No. 3, begs leave to report that we return it with the recommendation that it be referred to the ordinance committee, the same subject-matter having been included in another proposition before this convention.
Mr. President: If there is no objection, the proposition will be so referred.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on federal relations, begs leave to report that it has examined Proposition No. 2, and respectfully recommends unanimously that said proposition be adopted, California having in her constitution expressly waived all claim to any portion of Arizona east of the mid-channel of the Colorado River, and the treaties between Mexico and the United States fixing mid-channel of said river as the boundary between the United States and Mexico below the point where the boundary between upper and Lower California intersects said river."

Mr. Parsons: Mr. President, I desire to say with reference to this report, that your committee investigated the matter as thoroughly as possible. There is a map on the wall here, so the delegates will have the opportunity to see just exactly where the contested portion of the Territory of Arizona lies. By virtue of the terms of the terms of the California Constitution of date of 1880, they certainly surrender any claim to any territory east of the mid-channel of the Colorado River, because they expressly state in that constitution that their eastern

boundary line shall extend along the mid-channel of the Colorado River. In the Gadsden treaty the boundary line is defined as the mid-channel of the river from where it intersects with parrallel 35 degrees north latitude, down to where it intersects with the boundary line between the United States and Mexico, and absolutely waives all claim to the contested property. For these reasons your committee recommend the adoption of the proposition.
Mr. Cunniff: I move that this proposition be referred to the committee on printing and 500 copies ordered printed.
Mr. Jones: I second the motion.
Mr. Parsons: When this proposition was first introduced, the matter of printing came up and the action taken specifically waived the printing of any copies.
Mr. Cunniff: We decided we did not need the copies then, but now that the matter has come up in this form for the consideration of the convention, we should have printed copies before us.
Mr. President: If there is no objection, it will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on Federal Relations, begs leave to report that it has examined Proposition No. 99, and respectfully recommends unanimously that said Proposition be adopted without alteration or amendment.

A. F. Parsons, Chairman."

Mr. President: It will take its regular course and come up in the committee of the whole.
Mr. Weinberger: The committee on executive, impeachment and removal from office, desires to make a report.
Mr. Cunningham: In connection therewith, I desire to submit a minority report of that committee.
Mr. Wood: I desire to submit a minority report of the committee on executive, impeachment and removal from office.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report that it has examined Proposition No. 18 and respectfully recommends that the proposition herewith submitted be substituted for said Proposition No. 18, and that the substitute Proposition be adopted.

J. Weinberger, Chairman.

We concur: E. L. Short, S. B. Bradner, Lysander Cassidy, R.B. Simms.
I concur except as to recall of officers of incorporated cities and towns, which should be provided for in the charters of said cities and towns."

Alfred Franklin."

"Phoenix, Arizona, Nov. 1, 1910.
Mr. President: We, a minority of your committee on executive, impeachment and removal from office, beg leave to report that we have examined the committee report, and respectfully report that we do not concur with the committee report, and respectfully recommend that this minority report be adopted as shown by accompanying.

H. R. Wood,
Albert M. Jones."

"Phoenix, Arizona, Nov. 1, 1910.
Mr. President: A minority of your committee on executive, impeachment and removal from office, begs leave to report that it has examined Proposition No. 18, offered by the majority of said committee, relative to recall, and respectfully recommends that the following annexed provision be substituted therefor.
D. L. Cunningham."

Mr. President: Gentlemen, what will you do with the reports of the majority and minority of this committee?
Mr. Jones of Yavapai: I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.
Mr. Cunniff: I second the motion.
The motion prevailed.

Secretary: (reading) "Phoenix, Ariz., Nov. 1, 1910.
Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report that it has examined Proposition No. 120, and respectfully recommends that the consideration of said Proposition No. 120 be indefinitely postponed.
J. Weinberger, Chairman."

Mr. Winsor: Mr. President, I move that the rules be suspended, and Proposition No. 120 be indefinitely postponed.
Mr. Parsons: I second the motion.
The motion prevailed.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report that it has examined Proposition No. 24, and respectfully recommends that the consideration of said Proposition No. 24 be indefinitely postponed.
J. Weinberger, Chairman."

Mr. Osborn: I move the rules be suspended, and consideration of Proposition No. 24 be indefinitely postponed.
Mr. Weinberger: I second the motion.
The motion prevailed.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report that it has examined Proposition No. 79, and respectfully recommends that the consideration of said Proposition No. 79 be indefinitely postponed.
J. Weinberger, Chairman."

Mr. Weinberger: I will say that this proposition was not printed, because it follows the text of Proposition No. 18, and the only change is in the percentage.
Mr. Winsor: I move that it be indefinitely postponed.
Mr. Roberts: I second the motion.
The motion prevailed.
Mr. President: Committee of the whole. Proposition No. 99 comes up in the committee of the whole. If it is the pleasure of the convention, the convention will resolve itself into a committee of the whole. Mr. Baker will take the chair.
Mr. Chairman: The committee will come to order. The matter on the calendar for consideration is Proposition No. 99. The secretary will read it, with the recommenda-

tion of the committee the Proposition No. 99 be adopted without alteration or amendment.

Secretary: (reading) Proposition No. 99 Introduced by Mr. Thos. N. Wills of Pinal County Relative to Live Stock. Committee recommends its adoption without alteration.
Mr. Chairman: You have heard the report of the committee read. What is your pleasure?
Mr. Cunniff: Mr. Chairman, I would like to inquire of the gentleman who introduced the proposition whether there is any purpose in mentioning the specific diseases; would it not be better to leave them out, making the proposition read "the introduction and spread of infectious diseases." Would that not cover the ground? I realize that this is an accurate reproduction of the provision in another constitution, but it seems to me that it is unnecessary to name those diseases, which are, as I understand it, infectious diseases.
Mr. Wills: It may be unnecessary to name them, but I do not see that it does any harm.
Mr. Parsons: It seems to me as those diseases named in the proposition to be adopted are the most prominent diseases to which stock is subject, and that it certainly is not inappropriate to have them specifically mentioned, so that people may know without having to consult a lawyer, what constitutes infectious diseases. As already shown, this is an exact copy of the constitution of Wyoming, where the stockmen have interests largely identical with those in Arizona. While it might sound better to a person of trained intellect to leave these words out, I think for the benefit of the stockmen that they had better be left in.
Mr. Tuthill: I would like to ask the gentleman from Pinal, what particular necessity there is for a clause like this in the constitution. The present revised statutes seems to cover the case completely. Of course, there may be a very good reason that I know nothing of. If none exists, why encumber the constitution with it.
Mr. Winsor: It seems to me that this direction to the legislature to pass a law which is already on the statute books and in effect, could produce absolutely nothing but confusion, as directing the legislature to do something that is already done, and indicating that in some manner not explained, it should be altered or amended. Now our constitution, except in such cases as are specifically prohibited, will leave with the legislature and the people the authority to pass such laws as they may desire to pass, and it seems to me that if there are amendments desired in the livestock law that that power and right is reserved to the legislature, without any reference to the subject. I think that wherever possible, without working injury to the people of any legitimate industry, that such matters should be left alone. Wherever it is necessary, it is well enough to have a specific recommendation or instruction, but this does not seem to me to be the case here.
Mr. Wills: I move that the proposition be adopted just as it stands.
Mr. Cunniff: I move as an amendment, that the words "pleuro-pneumonia, glanders, splenetic or Texas fever" be omitted, likewise the word "other" making the proposition read: "Introduction and spread of infectious diseases."
Mr. Winsor: I think for the information of those who want to do what is right about this, that we should have some

explanation why this provision is necessary. If it is necessary, let us have the explanation.

Mr. Franklin: Mr. Chairman, the idea of the gentleman from Yavapai, as I gather it, is that the enumeration in this constitution of certain diseases would possibly, if there were other diseases, which the livestock men desire to be protected against, preclude the legislature from enacting laws to that effect.

Mr. Webb: I would like to ask whether the introduction of this proposition might keep the legislature from doing things it might do if the constitution is silent. If that be true, we give the legislature greater power by remaining silent than by naming their powers. I have often heard learned gentlemen on this floor, (gentlemen of the bar), say that to mention matters specifically in a law eliminates all other things.

Mr. Ellinwood: My understanding is that under the police power of the state, such laws may always be enacted. There is absolutely no necessity for such a law. I am in favor of this matter simply because the gentleman from Pinal wants it. So far as the language is concerned in naming the specific diseases, I understand it to be a rule of law that where specific diseases, or items, are mentioned in a statute, the rule of ejusdem generis prevails, and it can be given no greater latitude than the words used in the statutes. The legislature can do just exactly what the gentleman from Pinal desires; furthermore, you could not prevent the legislature from enacting such a law with an injunction; they do it at every session.

Mr. Jones of Yavapai: It is my opinion that while it is highly desirable, this provision should not go into the constitution. There will be just as great necessity for legislation protecting horticultural interests and persons. If we undertake to do so here, it will simply confuse the legislature.

Mr. Ellinwood: On the line mentioned by the gentleman from Yuma, I would like to say that the present statutes of Arizona cover these matters, and there is both a livestock sanitary board and a sheep sanitary board that have charge of them, and the present laws of Arizona will continue in effect unless we change them.

Mr. Tuthill: I would still like to have a single reason why this should be put into the constitution. I would like very much to vote for this provision; I am heartily in accord with anything that will protect the livestock interests, but I do not see any use of shooting one dog with two bullets, if you can kill him with one.

Mr. Cunningham: I will endeavor to answer the question of the gentleman from Yuma. If this provision appears in the constitution, it will require hereafter that such legislation be upon the statute books. If it does not appear in the constitution, then the legislature will have the right to eliminate it entirely if it wishes. It is simply to insure permanence.

Mr. Tuthill: Can anyone conceive of a legislature in Arizona repealing any part of this clause in the next 500,000 years?

Mr. Webb: To answer the gentleman from Cochise, I will say that if he will refer to the proposition, he will see that only one-half is mandatory, and the rest is to the effect that the legislature may do it. As to this measure, I think the gentleman who introduced it has no more interest in it than myself. He can certainly be no more ardent for such a law. If it will do any good, both the gentleman from Pinal and I want it there. My

opinion is that it will do no good. I move that when the committee arise, it report to the convention the recommendation that Proposition No. 99 be not passed.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Doe: Mr. Chairman, I am opposed to the proposition upon two grounds: First, that it is restrictive in its character upon the power of the legislature; I am heartily in favor of legislation to protect the stock interests, but I think this is a restriction upon what the legislature might do in their behalf, rather than for their benefit. I am opposed to all matters that are purely legislative in character, and that have no place in the constitution; they should be left to legislative discretion.
Mr. Chairman: Are you ready for the question? All in favor of the motion say aye; those opposed no. The ayes have it. The motion is carried. This disposes of business before the committee of the whole.
Mr. Hunt: I move the committee of the whole do now arise.
Mr. Ellinwood: I second the motion.
The motion prevailed.
Mr. Chairman: The committee of the whole will now arise and report progress.
The president resumed the chair.
Mr. Baker: The committee of the whole desires to report as follows:
"Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee of the whole begs leave to report that it has had under consideration Proposition No. 99, and respectfully recommends that it do not pass.
A. C. Baker, Chairman."

Mr. President: Gentlemen, you have heard the report. What is your pleasure?
Mr. Cunniff: I move that the report be adopted.
Mr. Tuthill: I second the motion.
The motion prevailed.
Mr. Jones of Yavapai: I move we take a recess until 2 p.m.
Mr. Cunniff: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present.
Mr. President: I wish to announce that Mr. Cooper, of Pima County has withdrawn from the committee on labor and Mr. Langdon of Gila County has been substituted, and Mr. Langdon, the gentleman from Gila County, has withdrawn from the committee on private corporations and banks, and Mr. Cooper of Pima County has been substituted to serve in his stead.
Mr. President: Reports of standing committees.
Mr. Cunniff: Mr. President, the committee on style, revision and compilation has a report to submit.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 21, and respectfully recommends that, in view of the fact that it cannot determine whether the intention of the proposition is to provide for direct primary, nominations of candidates for United States senatorships

or a direct advisory vote of the electors for United States senators, the proposition be referred to the committee on suffrage and elections with instructions that said committee report as to the meaning of the proposition.

M. G. Cunniff, Chairman."

Mr. President: If there are no objections, the recommendation will be adopted and re-referred to the committee on suffrage and elections.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 70, as amended and respectfully recommend that it be amended to read as follows: and that it be adopted as amended:

'The legislature, at its first session shall enact a law providing for general publicity, before and after elections of all campaign contributions to, and expenditures of campaign committees and candidates for public office.' M. G. Cunniff, Chairman."

Mr. President: If there are no objections the report will be put on the calendar of the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on style, revision and compilation begs leave to respectfully recommend:

That of the phrases, "legislative assembly," "general assembly" and "legislature," used in various propositions, "legislature," be adopted as the one to use in the constitution, and that mandates to the legislature be phrased, "The legislature shall," and "The Legislature at its first session shall" in preference to other forms.

M. G. Cunniff, Chairman."

Mr. Cunniff: Mr. President, I would like to explain that I have looked up the matter with regard to the terms used with reference to the legislature and I find that in most cases, where reference has been made in the various state constitutions to the subject, they have employed the terms as suggested in the recommendation. The committee on style, revision and compilation felt that the terms suggested in the recommendation were preferable and for this reason we offered them. As to the mandatory phrase as 'first session of legislature shall,' or 'The legislature in its first session shall,' seems to me and to the other members of the committee that the latter phrase is the better use and therefore we suggest it here.

Mr. Webb: While it is a fact that such terms as legislature, and state legislature are used in many constitutions, still I think this is an important matter and should be discussed by the convention and before the measure is adopted or put into the constitution that we determine upon some phrase or term to be employed with reference to that body, and I suggest the term of "general assembly."

Mr. Cunniff: I agree with the gentleman from Graham, and the report is made in order that the members of the convention may have an opportunity to determine the phrase or term that should be adopted.

Mr. President: I suggest that it be taken up by the committee of the whole. If there are no objections it is so ordered. Any other reports of standing committees?

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 50 and respectfully recommends that said proposition be adopted.
D. L. Cunningham, Chairman."

Mr. President: Proposition No. 50 will be referred to committee of the whole. If there are no objections the convention will resolve itself into a committee of the whole, and the gentleman from Graham, Mr. Cobb, will take the chair.

Mr. Chairman: The convention as a committee of the whole will be in order. The secretary will please read the calendar.

Secretary: (reading) The first proposition on the calendar is the report of the committee on style, revision and compilation on Proposition No. 70, as amended.

Mr. Winsor: Mr. Chairman, I move that recommendation of the committee on style, revision and compilation be adopted.

Mr. Jones of Yavapai: I second the motion.

Mr. Osborn: Mr. Chairman, I would like to know the difference between the report of the oommittee on style, revision and compilation, and the one brought in by the committee on suffrage and elections.

Mr. Chairman: The secretary will please read the report of the committee on suffrage and elections and that of the committee on style, revision and compilation.

Secretary reads reports.

Mr. Parsons: Mr. Chairman, it seems to me that the proposition as amended is indefinite, and should state both "before and after elections." Now it might be that committees or candidates sometime after elections might desire to make such report of the money but there is not provision for any definite time or the limitation of time. It might mean thirty days, sixty or ninety days after the election, and this proposition does not provide for time or limitation, therefore, I move that the report be re-referred to the committee on suffrage and elections and the matter of definite time or limitation of time before and after election be given attention and consideration. Gentlemen, I say that some attention should be paid to the time when these reports should be made both before and after elections. I would refer you to the original bill. Now it seems to me there should be some limitation of time inwhich this report should be made so that candidates or party committees could not take their own time as the case might be.

Mr. Winsor: The committee agree that the constitution should contain a good campaign publicity law, yet we felt that this proposition would cover the ground thoroughly. Although this is a legislative matter, we agreed to the proposition as being sufficient, and since it contains the words, "before and after," we still believe that the ground is well covered in the proposition. We must understand that the constitutional convention cannot provide for all these matters in the constitution, but we are the machinery which must frame a fundamental law and the legislature must do the rest. I think we can safely leave this matter to the legislature and to the people.

Mr. Parsons: I think that it should have some designation as to when that time should be. There should be a stated and specific time before and after the elections in which these reports should be made. As this bill now stands I do not see how such reports are to be made, for if there is to be a law requiring a report of the expenditure of money on elections, there should certainly be a limited time in which such reports should be made, therefore, I again move that this report be referred to the committee on suffrage and elections.

Mr. Jones of Yavapai: The object of the committee on suffrage and elections in making the report as it now stands has been partly covered by the gentleman from Yuma, Mr. Winsor, but I would also add, as chairman of that committee, that if there is to be a publication of the campaign funds so that the people may know what money is being expended in the campaign, then it will be necessary to make a publication at least two or three days before the election, and that would leave the time open for money to be used to influence the election, and then, too, this first publication would not be the last publication for to include all the expenditures it would be necessary to make publication after the election.

Mr. Winsor: Mr. Chairman, it seems to me the only way to dispose of this question is to leave it to the legislature to provide for the time of publication.

Mr. Osborn: Mr. Chairman, I have not yet a clear conception as to the proposition and the amendment to the report of the suffrage and elections committee.

Mr. Cunniff: This is the report of the committee on suffrage and election, is it not? But I will say that it would be well to read the report as it is punctuated and that will possibly explain the proposition in a more satisfactory manner. Now, Mr. Chairman, the phrasing used by the committee on style, revision and compilation has not changed the sense of the proposition submitted by the committee on suffrage and elections. In our opinion we felt that the bill covered thd ground very thoroughly; that it would accomplish the purpose of the bill without any further mandatory phrasing, and that it could safely be left to the legislature with regard to all other suggestions as to the time for the publication of the expenditures for campaign purposes. It is in our judgment very accurate and very plain.

Mr. Parsons: Mr. Chairman, I insist that if there is going to be an ordinance incorporated into this constitution with regard to an election and that ordinance contains instructions as to the conduct of elections, or if this convention is going to make provisions for elections, as the proposition now before us, I say that we should adopt such provisions as will apply not only to the first state election but all elections thereafter, and if there is to be no ordinance then all the oratory of yesterday was worse than wasted. If we are to provide a law for the publication of funds, appropriated for campaign use at these elections, I insist that the law should cover the ground perfectly and without the slightest question of doubt in the minds of the legislature, but the proposition does not make such provision. I ask for an argument against the question of the time for such publication. In all the able remarks and arguments put forth by my worthy colleagues on this question there has not been one argument against the question of time or the limitation of time that should be set forth in this bill.

Mr. Cunniff: This is the report of the committee on style, revision and compilation, and as a committee, we have agreed that this proposition as it now stands is sufficient and covers the ground thoroughly, and that if this convention in its constitution provides the fundamental law, the legislature can comply with this law and make such other provisions as they may deem necessary as to the provisions of such an election law, therefore, I would suggest, that the bill as it has been amended and reported is sufficient and accurate without any further recommendations.

Mr. Kingan: The constitution will not be in force until after the election not in force until after the proclamation of the President. Will there be an election to which this bill could be applied? I think that it is purely a legislative matter.

Mr. Moeur: Mr. Chairman, I do not know whether the motion of the gentleman has ever been seconded or not, or whether it should be seconded, as I cannot see why he should wish for any particular time, as that will not prevent the expenditure of a million or more dollars in any campaign. The question is do we want the publication of the campaign funds if so it is sufficient that we provide for the fundamental law and leave the rest to the legislature.

Mr. Ellinwood: Mr. Chairman, I agree with the gentleman from Cochise, and I second his motion.

Mr. Winsor: Mr. Chairman, I would like an explanation as to how our constitution will apply to the first state election.

Mr. Parsons: I did not ask for an explanation, I asked for an argument, and I insist that attention should be given this question of time before the proposition is adopted into the constitution.

Mr. Cunniff: I would like to hear an explanation from the gentleman from Cochise as to what he would make of the phrasing of the bill?

Mr. Parsons: As to that I would not wish to suggest to the committee, and I do not care just how it is framed, just so that provision is included within the proposition.

Mr. Cunniff: I think that matter should be determined by the special committee on state elections.

Mr. Parsons: Which, the committee on ordinance or primary elections? By the good and efficient authority cited here yesterday by Judge Baker, this has nothing to do with general elections, and that committee was to prepare a primary election law. This proposition is a very different matter.

Mr. Kingan: In order to report on this matter, I understand that a special committee will determine the matter of primary elections. I do not understand how they can do so until we are a state.

Mr. Winsor: I think the gentleman from Cochise is laboring under too much confusion. It is the sense of this convention to provide for publicity of contributions to the campaign funds, and we are endeavoring to place such a fundamental law in the constitution. This provision has been submitted and recommended for our adoption. The bill which has been drafted includes all that is necessary for this convention to adopt, and it is absolutely unnecessary to attempt to go into legislative matters.

Mr. Ellinwood: I move this be referred to the committee on ordinance.

Mr. Cunniff: Mr. Chairman, I would suggest that the motion of the gentleman from Cochise is foreign to the question. This question has nothing to do with state elections. The motion for the adoption of this report has been made and seconded.

Mr. Ingraham: The matter before the convention is not a matter that can be referred to the committee on ordinance as there can be no such law included in the ordinance unless the committee has such instructions from the convention.

Mr. Parsons: Now, I rise to a point of order. I understand that the question before this committee of the whole is the report of the committee on style revision and compilation, with recommendation that it be adopted. I am opposed to the adoption of that report unless it contains some definite time as to when the reports on the money expended in campaigns should be made. There is not time stated in the provisions of this bill, and I think that there should be a time limitation, as the candidates or committees might take sixty days or ninety days, and use their own judgment in the matter and if publicity of funds is to be a law there should be a time set for these reports for the benefit of the people. There has been no argument against a time limitation and I have asked for one and I insist on some argument against it or that it should be included in the proposition.
Mr. Cunniff: I understand the argument of the gentleman from Cochise, but I am still of the opinion as are other members of this committee and the committee on suffrage and election that the bill as it now stands is sufficient and covers the ground thoroughly and that we can leave it to the legislature to make such other provisions as to time, how long before or after the election such reports should be made.
Mr. Webb: I rise to a point of order. I do not think that the question is being discussed from the right standpoint. The question being discussed is, shall we or shall we not provide for publicity of campaign expenses in the election for the first state officers? The question comes up as to whether this will effect the election of such officers if incorporated into the constitution, and I would say that this question is a matter for the legislature.
Mr. Parsons: If this be true that is the very strongest argument in favor of having a clause for time limitation within this proposition. Any argument against it is simply worthless, for if we are to incorporate such a law in the constitution we want the law clear and definite and accurate and without flaw, such a law as cannot be construed by any legislative body.
Mr. Osborn: The committee on suffrage and election thought that might safely be left to the legislature.
Mr. Jones of Yavapai: The reason we did not go into every detail was because of the belief that the members of the convention would not consider it their duty to work out every law that is legislative in nature, and since weare to provide only for fundamental laws, that we should leave all others to the people or to the legislature.
Mr. Chairman: Those in favor of the motion of the gentleman from Yavapai, say aye; those opposed nay. The ayes have it.
Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on style, revision and compilation, begs leave to respectfully recommend:

That of the phrases, 'legislative assembly,' 'general assembly', and 'legislature,' used in various propositions, 'legislature,' be adopted as the one to use in the constitution, and that mandates to the legislature be phrased, 'The legislature shall,' and 'The legislature at its first session shall, 'in preference to other forms."

Mr. Cunniff: I move that the report of the committee be adopted as read.
Mr. Goldwater: I second the motion.
The motion prevailed.

Secretary: (reading)
"Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 50 and respectfully recommends that Proposition be adopted."

Mr. Cunningham: I move the adoption of the report.
Mr. Ellinwood: I second the motion.
Mr. Ellinwood: Mr. Chairman, there has arisen in my mind a question as to this proposition, so I move to amend the proposition in the third line, page one, of the printed proposition by striking out the word "with" and insert in lieu thereof, "made by" and strike out in the same line the word "waiving", and insert in lieu thereof "to waive."

Mr. Lynch: I second that motion.
Amendment adopted.
Mr. Winsor: I move that the committee of the whole recommend that Proposition No. 50 be adopted.
Mr. Cunningham: I second the motion;
The motion prevailed.
Mr. Hunt: Mr. Chairman, I now move that the committee of the whole arise and report progress.
Mr. Weinberger: I second the motion.
The motion prevailed.
The president resumed the chair.
Mr. President: The convention will come to order. The chairman will report the proceedings.
Mr. Cobb: Mr. President, Your committee of the whole begs leave to report that it has had under consideration the following propositions: Proposition No. 70, and recommends that the report of the committee on style revision and compilation be adopted; the report of the committee on style, revision and compilation, relating to phrases to be used in propositions and recommends its adoption; Proposition No. 50, and recommends its adoption as amended.

Lamar Cobb, Chairman."

Mr. Cobb: I move the adoption of the report of the committee of the whole.
Mr. Webb: I second that motion.
The motion prevailed.
Mr. Cunniff: Mr. President; is this the final passage of Proposition No. 70?
Mr. President: Has it been engrossed and had its third reading?
Secretary: The third reading was in this report.
Mr. President: The secretary will please read the proposition after which it will be placed on final passage and the secretary will call the roll.
Mr. Cunniff: I move the adoption of the recommendation of Proposition No. 70.
Mr. Jones of Yavapai: I second the motion.
Mr. Baker: When the motion is put for the ayes and nays, I shall vote aye, because I believe that some clause should be enacted to provide for publicity of campaign funds, but I am in doubt as to the authority of this body to enact any such law in the constitution. I think this is purely a legislative matter. We cannot afford to incorporate in the constitution such measures as will make our constitution too voluminous, and I feel that it is just what we are bound to have if we include all such measures as may come up before this convention.
Mr. Cunniff: I agree with the gentleman from Maricopa.

This act is only tentative, and we will have the right to slash these matters, and on final adoption there will be a great sifting and such matters as are not to be included in the constitution will be left out in this final shift.
Mr. Doe: I agree with Mr. Baker: This is purely and simply a legislative matter and we are only wasting time by considering it.
Mr. Bolan: I think that this is a matter that should be placed before the people. The people expressed their wishes when they sent this body as it now stands and what they do in this convention is the voice of the people. I agree that this matter is legislative in its nature but it is the sense of this convention to have such a measure in the constitution and not leave it wholly with the legislature. This is only the fundamental law.
Mr. President: The secretary will call the roll.
Roll call showed 49 ayes and 1 nay.
Mr. President: The proposition has been adopted and will be referred to the committee on style, revision and compilation.
Secretary: (reading) Special report of committee on style, revision and compilation.
Mr. Cunniff: Mr. President, I move the recommendation of the oommittee be adopted.
Mr. Jones; I second that motion.
The motion prevailed.
Secretary: (reading) Report of committee on Judiciary on Proposition No. 5.
Mr. Franklin: I would like to understand this matter more thoroughly. I understand that this Proposition No. 50 does not allow any limitations to amounts that can be required by employees for damages by death or injury and that no contract can be made by any employer to prevent the employee from securing damages for death or injury. I think that this measure should be made not only to include employees but other persons, as in the case of a railroad accident. Should not other persons as well as employees be protected? I would like a little advice on the matter.
Mr. Baker: The question as to no limitation to the amount that employees can sue for in cases of death or injury is very clear to my mind, but I would like to know why everyone, whether an employee or not, should not be protected in the matter of accident, death or injury? I would not only favor the measure as a protection to employees but I would make it cover all persons who may be included in an accident, - where such person were subjected to accident, death or injury, as in a railroad accident.
Mr. Kingan: I agree with the gentleman from Maricopa, Mr. Franklin, and I wish to offer the following amendment: "In Proposition No. 50 as amended, that in line three, on page one, strike out the words, 'made by any employee' and in line four, same page, to strike out the words 'causing the,' of any employee."
Mr. Franklin: I second the motion to amend as suggested by the gentleman from Pima.
Mr. Baker: I would like to ask the gentleman from Cochise, who introduced the proposition, from what state constitution, if any, he took the proposition.
Mr. Parsons: From the verbatim copy of the constitution of Wyoming.
Mr. Cunningham: We understood that this was a measure which considered only the cases where employer and employee were concerned and for this reason we did not take any

steps to amend it to include others, as we took it that the original proposition was intended to cover only those who were employees of certain corporations, as the case might be.
Amendment by gentleman from Pima adopted.
Mr. Baker: I confess on the spur of the moment that I am in doubt as to whether you can limit all contracts or not.
Mr. Cunniff: Mr. President, we are going into an entirely different field than the one covered in this proposition.
Mr. Franklin: I rise to a point of order. There is nothing before the convention.
Mr. President: Gentlemen of the convention, to get this matter straight, those in favor of proposition No. 50 as amended will answer aye, those opposed no. The ayes have it. Gentlemen, we are through with the order of business.
Mr. Parsons: I desire to introduce a proposition.

Secretary; (reading) "Resolution No. 13.

Be it Resolved that inasmuch as the city authorities and county authorities have changed the official time, advancing it a half an hour, that this convention meet hereafter at 10 a.m. instead of 9 a.m.

Mr. Cunningham: I move that we adjourn until tomorrow.
Mr. Winsor: I second the motion.
The motion prevailed.
Convention stood adjourned until 9:30 November 2, 1910.

JOURNAL, November 2, 1910. 9:30 A.M.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Minutes read and approved.
Mr. President: Reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, Nov. 1, 1910.
Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 68, and respectfully recommends that Proposition No. 68 be adopted by the convention.
D. L. Cunningham, Chairman.
We concur: Kingan, Doe, Wood, Goldwater, Parsons, Weinberger, Franklin, Ingraham, Lynch, Crutchfield, Baker."

Mr. President: If there are no objections the report will be placed on the calendar of the committee of the whole. It takes its regular course that way under the rules.
Mr. Cunniff: Several matters the last few days have been put on the calendar of the committee of the whole, and have been considered by the committee of the whole on the same day. When such is the case, it is impossible for the members of this convention to take other than snap judgment on the matter, and it was the necessity of making a snap judgment of that sort on a matter that came before the convention that got us into the snarl we were in

yesterday afternoon, making the convention re-refer a matter to the committee. My understanding of the rules is that when a matter is referred to thecommittee of the whole, it should be put on the calendar for the following day, in order that members of the convention may have a chance for sober study, in order to take wise action.

Mr. President: Is that the sense of the convention? If there is no objection, this will come up on the following day. It is so referred. The order of the day.

Secretary: A resolution offered by the gentleman from Cochise, Mr. Parsons.

Mr. Parsons: Mr. President; In pursuance to the notice I gave yesterday, I desire to offer the following resolution: "Be it Resolved, that inasmuch as the city authorities and the county authorities have changed the official time, advancing it a half an hour, that this convention may hereafter meet at 10 a.m. instead of 9 a.m."

Mr. Orme: I would state that in changing the time, the city and county authorities took the matter up with all organizations, and they all agreed to change the time one half hour faster, and I move you that this resolution be amended to read 9:30 a.m. instead of 10 a.m.

Mr. Ellinwood: I wish to second the motion of the gentleman from Cochise.

Mr. Cunningham: I second the amendment made by the gentleman from Maricopa, that the resolution read 9:30 instead of 10.

Mr. President: Gentlemen of the Convention. It has been moved by Mr. Parsons and seconded by Mr. Ellinwood, that the rules be changed to meet at 10. Mr. Orme, moved, seconded by Mr. Cunningham, to amend to meet at 9:30 a.m. The matter will come up first on the amendment. All in favor of the amendment answer aye, all opposed no. The secretary will call the roll, as the chair is in doubt.

Roll call showed 30 ayes and 13 nays.

Mr. President: I declare the amendment has been carried. Now comes up the original motion. Those in favor of meeting at 9:30 A.M. will answer aye, those opposed nay. The ayes have it, and it is so ordered. Gentlemen, we are through with the order of business.

Mr. Winsor: I move we stand at recess until 2 p.m.

Mr. Webb: I second the motion.

The motion prevailed.

Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. A quorum is present. Petitions, Memorials and Remonstrances.

Mr. Goldwater: I have a series of resolutions presented to me by Northern Arizona Bar Association addressed to this convention. I desire that we move that they be referred to the judiciary committee.

Mr. President: It is so ordered.

Mr. Cobb: I want a letter written by Mr. Kearney of Clifton, Arizona, to be referred to the judiciary committee.

Mr. President: It is so ordered.

Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the printing committee begs to report the following proposition printed and returned: No. 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132. The printing committee also has another report it desires to submit.

Mr. President:

Secretary: (reading)/ The committee on printing and clerks begs leave to report that requests for bids for printing propositions as adopted by the convention, was extended to the Republican, Gazette, Democrat, Voice of the People and Arizona Issue. Replies received are herewith submitted. Should the convention order propositions printed the committee will take the matter up with the Secretary of Arizona as to whether or not he will approve this item.

E. L. Short, Chairman."

Mr. Cunningham: Mr. President, I move that the report be laid on the table.
Mr. President: If there is no objection it will be laid on the table.
Mr. President: Reports of standing committees.
Mr. Cunningham: The judiciary committee would like to make the following report:
Mr. President: Your committee on judiciary begs leave to report that it has examined Propositions Nos. 63 and 123 and respectfully recommends that said Proposition No. 63 be indefinitely postponed, together with the amendment thereto, Proposition No. 123.

D. L. Cunningham, Chairman.

We concur: S. L. Kingan, Edward M. Doe, J. Weinberger, E. E. Ellinwood, A. C. Baker, A. F. Parsons, Alfred Franklin, Fred L. Ingraham, A. R. Lynch.

To the Constitutional Convention of Arizona.

Mr. President: The undersigned, a minority of your committee on judiciary respectfully report their non-concurrence in the report of the committee on Propositions Nos. 63 and 123, and recommend that Proposition No. 63 be amended as proposed in Proposition No. 123, and that, as amended, Proposition No. 63 be passed.

H. R. Wood.
Morris Goldwater.

Mr. President: Both reports will be received, and will come up tomorrow in the committee of the whole.
Mr. Winsor: Mr. President, I move that Substitute Proposition No. 4 and all amendments thereto be made a special order for the committee of the whole Friday morning.
Mr. Cunniff: Mr. President, I second the motion.
The motion prevailed.
Mr. Curtis: Mr. President; I failed to sign the report of the legislative department committee, and my name should be attached to Proposition No. 4.
Mr. Baker: Mr. President, I desire to ask that the proposed amendments go to the printing committee for the purpose of being printed and ready for the session Friday.
Mr. President: If there is no objection, it is so ordered.
Mr. Cunniff: Mr. President.
Mr. President: The gentleman from Yavapai:
Mr. Cunniff: I beg to ask what is the presumption as to the time when we shall get this back from the committee.
Mr. Baker: I have been informed that they can get this back in plenty of time, and I think we will have plenty of time to con sider the amendment.
Mr. President: Gentlemen of the convention, do you want this amendment read? If there is no objection this will be referred to the printing committee and 500 copies ordered printed.

Mr. Crutchfield: Mr. President, I think there is a report of the preamble committee to be read.

Secretary: (reading) "Phoenix, Arizona, Nov. 2, 1910.
Mr. President: Your committee on preamble and declaration of rights begs leave to report it has examined Proposition No. 98 and respectfully recommends concurrence.
Jas. E. Crutchfield, Chairman.
We Concur: Wm. Morgan, P. F. Connelly."

Mr. President: The report to come up in the committee of the whole on Friday morning. Introduction of propositions.
Secretary: (reading) Proposition No. 121 Introduced by Mr. Jas. C. White of Pima County Relative to Ordinance.
Mr. President: Second reading of the proposition; referred to the committee on ordinance.
Secretary: (reading) Proposition No. 122 Introduced by Mr. Wills of Pinal County Relative to Revenue and Taxation Exemption.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.

Secretary: (reading) Proposition No. 124 Introduced by Mr. Jas.C. White of Pima County, Relative to Ordinance.
Mr. President: Second reading of the proposition; referred to the committee on ordinance.
Secretary: (reading) Proposition No. 125 Introduced by Mr. John P. Orme of Maricopa County Relative to Create the Office of Public Examiner.
Mr. President: Second reading of the proposition; referred to the committee on executive, impeachment and removal from office.
Secretary: (reading) Proposition No. 126 Introduced by Mr. Carlos C. Jacome of Pima County Relative to Taxation.
Mr. President: Second reading of the proposition; referred to the committee on public debt, revenue and taxation.
Secretary: (reading) Proposition No. 127 Introduced by Mr. E. W. Coker of Pinal County Relative to Water and Water Rights.
Mr. President: Second reading of the Proposition; referred to the committee on agriculture, irrigation and water rights.
Secretary: (reading) Proposition No. 128 Introduced by Mr. Winsor of Yuma County Relative to Official Ballots and Conduct of Elections.
Mr. Cunniff: Mr. President, I move that the rules be suspended, and Proposition No. 128 be read a second time by title only.
Mr. Winsor: Mr. President, I second the motion.
The motion prevailed.
Secretary reads Proposition.
Mr. President: Second reading of the proposition; referred to committee on suffrage and elections.
Secretary: (reading) Proposition No. 129 Introduced by Mr. A.A. Moore of Yavapai County Relative to State Lands.
Mr. President: Second reading of the proposition; referred to the committee on State and School Lands.
Secretary: (reading) Proposition No. 130 Introduced by Mr. A. A. Moore of Yavapai County Relative to Establishing the Office of Mine Inspector.
Mr. President: Second reading of the proposition; referred to the committee on mines and mining.
Secretary: (reading) Proposition No. 131 Introduced by Mr. Bolan of Cochise County Relative to Apportionment

of Senators and Representatives for the State of Arizona.
Mr. President: Proposition No. 131 should be changed, by making one representative from Mohave, instead of two representatives. If there are no objections the secretary will make the correction. Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.
Secretary: (reading) Proposition No. 132 Introduced by Mr. Colter of Apache County Relative to Public Health.
Mr. President: Second reading of the proposition; referred to the committee on schedule, mode of amending and miscellaneous.
Mr. President: This completes our order of business. What is your pleasure?
Mr. Jones of Yavapai: There will be a public meeting of the committee on suffrage and elections this afternoon at 3o'clock in the council chamber, for the hearing of the woman suffrage question.
Mr. Moeur: I make a motion that the convention stand adjourned until 9:30 tomorrow morning.
Mr. Cunningham: I second the motion.
The motion prevailed.
Convention stood adjourned to 9:30 a.m. November 3, 1910.

JOURNAL, November 3, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Minutes read and approved.
Mr. President: Committee of the whole. Gentlemen of the Convention, we have for consideration Propositions Nos. 63, 123, 68 and 98, and under our rules, the convention will now resolve itself into a committee of the whole, and the gentleman from Yuma, Mr. Winsor, will take the chair.
Mr. Chairman: The committee of the whole will come to order. The secretary will please read the calendar.

Secretary: (reading) "November 3, 1910.
Committee of the Whole. Consideration of Propositions Nos. 63, 123, 68, and 98."

Mr. Chairman: The secretary will read the report of the committee on Proposition No. 63.
Mr. Cuniff: I beg to advise that Proposition No. 123 is an amendment of Proposition No. 63, and they should be considered jointly.
Secretary: (reading) Proposition No. 63 Introduced by Mr. Cunniff of Yavapai County Relative to Injunctions.
Mr. Cunningham: I desire to move that this committee when it arise recommend to the convention that it adopt the majority report of the committee on judiciary, which is to indefinitely postpone both bills.
Mr. Langdon: I second the motion.
Mr. Cunniff: I move an amendment that the minority report be substituted.
Mr. Jones: I second that motion.
(Speech by M.G. Cunniff omitted and sent only to Mr. Cunniff.)

Mr. Cunningham: The effect of the provision in the constitution would be that if a judge should issue a writ of injunction under certain circumstances, and honestly and earnestly endeavors to enforce the law, he would, without any intent, be guilty of a crime. You would place him in a position to be punished for any absolutely honest error he might make in the discharge of his duty. He could not be heard to defend himself. He would be impeached for passing on a question earnestly, sincerely and honestly. If the case should be carried to the supreme court, and there he should be reversed andthat court would find he had no right to issue an injunction in that case, he would lose his office, while he could not be heard and there would be no trial nor would he be given any opportunity of upholding his action.
Mr. Cunniff: Will the gentleman from Cochise permit a question?
Mr. Cunningham: Certainly.
Mr. Cunningham: Is it not true that under the method of impeachment the judge will have a trial in the state senate?
Mr. Cunningham: Yes, but where will he have any defense to put up. If the Supreme Court should hold----
Mr. Chairman: Gentlemen in their discussion will please address the chair, and not each other.
Mr. Cunningham: I was only answering the question of the gentleman. Now, I will suggest that other propositions which have been presented to this Convention seem to me to cover the ground intended by this. It is not the intention of the gentleman who has addressed the convention preceding me to make as drastic measure as this one is, and it is no doubt his intention that the people in the circumstances mentioned should be protected and have their rights adjudicated. The system of laws under which we are living has grown up along the lines of experience from time "when the memory of man runneth not to the contrary." At one time when a jury decided a case adversely to what the court and the prosecution thought it should have been decided the jury was punished with the punishment that should have been meted to the criminal;--they were punished for the mistake. People have grown beyond that so far that the idea seems horrid to us now to make a jury responsible for any error it may make. It is history, and we certainly would not revert back at this late day to times that we look upon now as barbarian. We certainly could not afford to in We must stand squarely at the front; and it would be nothing but to call back those former times to hold a man who has discretion in his power responsible for a mistake in exercising his discretion. No opportunity is given a man, who is held for punishment, to be heard before he is punished. No other law has ever gone so far, and I hope one never will. This is a free country, and a liberty loving country, and every man has the right to be heard in his defense before he is punished under any circumstances. Such a right is given in Proposition No. 104 Introduced by Mr. Ingraham, of Yuma.

Under our present injunction proceeding, the judge has the right to exercise his discretion, and the man against whom the injunction is sought has every right that any free liberty-loving man should wish. It is certainly in harmony with the laws we are living under that have come down to us from our ancestors across the water. Why should we in this twentieth century borrow from the stone ages a law that a man shall be punished without being given a chance to be heard. Now, all this

talk of courts ruining the country is answered by the very words of the gentleman from Yavapai as referred to in some political organization: This country is to be governed by laws, and not by men, and if you set down laws and require that the judge administer the law, he administers the law, not as a man. If you are proposing to have the man answer for malfeasence in office, then you are placing the man in the position on the bench not to issue an injunction under any circumstances until he is mandamused by the higher court, or he will be removed from office. What kind of an administration of law would you have under these circumstances?
Mr. Moeur: Will the gentleman yield to a question? I would like to know if this proposition No. 63 will be constitutional?
Mr. Cunningham: It will be if we make it so.
Mr. Cunniff: In answer to the gentleman from Cochise, I would like to say that Proposition No. 104 as introduced by Mr. Ingraham, though an excellent measure, does not touch this matter at all. I would like to say further, that having followed the argument for the gentleman from Cochise with the utmost care, it seems to me that the whole ewsence of the argument is a plea for special privileges for the court. I believe, gentlemen, in equal rights for all, and special privileges for none, not even the courts.
Mr. Lynch: Mr. Chairman, During the past year I have frequently had occasion to read the periodical known as the 'Appeal to Reason' and I have found that the main work of the 'Appeal to Reason' (the socialist organ) at the present time, is to fight the courts, and I was perfectly astounded to come into this convention of democrats in the Territory of Arizona and find we have members whose whole aim was to attack the integrity of our American courts. I want to say that I am thankful for the fact that over in Graham County I did not have to run for delegate on the socialist platform. (applause) And it seems to me that the gentleman from Yavapai County has been unfortunate in that respect, in that he has been compelled to run on a platform that might well be, as to this proposition, referred back to the 'Voice of the People.' He points to defects in our system of courts; I know there are defects. I know our courts have gone along for years doing things they ought not to have done in labor disputes. I know the courts have gone their own way in issuing injunctions in these labor disputes, but I want to call your attention that the courts that have done these things are the federal appointive courts, and not the elective courts. You find rare instances where a judge has violated the constitution in reference to injunctions. The gentleman says that this proposition simply means that if a court violate the constitution, the court is subject to impeachment or removal; that at present a judge who violates a constitution is not subject to removal from office and impeachment. If this is the only thing the gentleman from Yavapai asks, we have a full remedy in the matter. As was said by the gentleman from Cochise County, in the olden times we punished the man who made a mistake. This simply means that if a judge makes a mistake in his interpretation of law or in his interpretation of the constitution, then he is subject to removal from office. I will go further and say that the Chinese in olden times use to have (and still may have) a law that if a physician treated a man and the man died, the physician was put to death.
Mr. Tuthill: They ought to have it yet.

Mr. Lynch: Under this, if a judge decides a case in which a labor question arises, off goes head if he makes a mistake. What sort of a thing is this to put into a constitution. If the statement of the gentleman from Yavapai is correct, and the only object of this proposition is to prevent judges from violating the constitution, we do not need it. And I, as one of the committee who were called 'ornaments of the legal profession' which committee was unanimous in their disapproval of the socialistic plank being out into this constitution, wish to say that I certainly shall oppose it.

Mr. Cunniff: I wish to say that there was nothing sarcastic in my remarks.

Mr. Parsons: Mr. Chairman, I desire to say that I yield to no member on this floor in my desire to see the courts of our country administrated in such a way that will be most beneficial to all, be he rich or poor, black or white, but I do not think it necessary for me to lend my assistance to the adoption in our organic law of a proposition like this. I know of nothing to warrant the statement made that the court himself knows he is doing wrong. This is a phrase I object to most seriously. Now, gentlemen, who is to determine whether the issuance of an injunction is contrary to the constitution or not; is it to be the judge, or the person against whom the injunction runs, the man whose liberty is being restrained. Under our existing law if a judge in the exercise of his discretion does anything wrongfully or corruptly or in violation of the constitution of the state of the union, he is subject to impeachment, but, as has been stated, he is not subject to summary dismissal without hearing. It is an error of the heart and not the head. I regret to hear one of our most valuable and cultured members arraigning the courts of the country. I believe that men more honorable or of higher ideals do not exist in this country than the men who compose our judiciary. I hope that this will not get into our constitution, for the only result would be to secure the turning down of our constitution, and I therefore oppose this measure. (applause).

Mr. Cunniff: Mr. Chairman, I would like to offer a substitute to the amendment that the proposition do pass, so that the amendment would read that the proposition be recommitted to the committee on judiciary.

Mr. Crutchfield: I second the amendment.

Mr. Ellinwood: I hope that this amendment will not prevail. I am certain that I speak for the judiciary committee in saying that we do not want that proposition back. The committee was unanimous, and we are as able to pass on it now as any time.

Mr. Cunniff: If that is the case, I will revert to my first amendment.

Mr. Ingraham: I sympathize with the mover of this proposition in his effort to reach what many members of this convention consider an evil. I believe that there have been such usurpations, and that the courts have sometimes issued injunctions, especially in labor disputes, that were too drastic. My objection is to the manner of reaching the difficulty. When the gentleman said that the executive had checks and balances; that the legislative department and the people had checks and balances but the judiciary had none, he expressed a truth that is in the minds of many, and I believe that the convention must come to the conclusion that there should be some check on the judiciary, and I can see no other check than the recall. The reason I consider this proposition impracticable is that it runs against the very fundamental proposition that if you have a judiciary, that judiciary must of course pronounce what is the law. The judiciary must be composed of men therefore, and those men must have the power to say what is the law, and this is what the court does when it pronounces and puts forth an injunction. Now the peculiarity is this, that injunctions are sometimes temporary and that they are granted without any hearing. They must be because of the rights involved. A street railway is extending its lines across property, and an injunction is sought. The court cannot say 'we will hear you next week' because immediate protection is necessary. Gentlemen of the convention, it seems to me that the only remedy for that sort of usurpation is this: That if the public is convinced that it is a plain case of usurpation on the part of the judge, they can force him to forfeit his office by the recall. I cannot think of any other adequate check on the judiciary.

Mr. Chairman: Are you ready for the question? The amendment proposed by the gentleman from Yavapai is that when this committee arise it recommend that Proposition No. 63 as amended by No. 123 be adopted. All in favor of the amendment answer aye; all opposed no. The secretary will call the roll.

Roll call showed 18 ayes and 32 nays.

Mr. Wells: Mr. Chairman, I desire to make an explanation on my vote. I would not do it were it not that we have a verbatim report of the proceedings, and in that report I presume it will show the statement of my colleague from Yavapai. I understand he stated that the delegation from Yavapai was pledged to this proposition as a whole. We have acted in harmony all the way through, and it is proper that it should be so, but as a minority of that delegation I wish to say that neither the proposition nor the amendment are in accord with my desires. My vote is no.

Mr. Cunniff: I beg my distinguished colleague's pardon, and will change my statement to the democratic delegation from Yavapai County.

Mr. Wells: That is satisfactory.

Secretary: The vote is 19 ayes, and 32 nays.

Mr. Chairman: The nays have it. The main question is that when the committee arise it recommend that Propositions Nos. 63 and 123 be indefinitely postponed. All in favor of that motion will say aye; all opposed no. The ayes have it.

Mr. Chairman: The secretary will read the committee report on Proposition No. 68.

Secretary: (reading)

"Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 68, and respectfully recommends that Proposition No. 68 be adopted by the convention."

Proposition No. 68 Relative to Criminal Prosecutions.

Mr. Cunningham: I move that when the committee arise, it do report to the convention recommending the adoption of Proposition No. 68.

Mr. Jones of Maricopa: I move an amendment that when the committee arise it recommend to the convention that it refer Proposition No. 68 to the committee on preamble and declaration of rights.

Mr. Roberts: I second the motion of Mr. Jones.

Mr. Weinberger: I second Mr. Cunnningham's motion.
Mr. Chairman: The main question is that the committee recommend the adoption of the proposition, amended by Mr. Jones that when the committee arise it recommend that the proposition be referred to the committee on preamble and declaration of rights.
Mr. Weinberger: I would like to inquire the reason of the amendment.
Mr. Jones of Maricopa: The reason is that there are several clauses in this proposition that refer to other propositions now in the hands of the committee on preamble, and they should all be considered at one time.
Mr. Cunningham: Now, Mr. Chairman, this provision is one in which all the people of Arizona are interested. It gives a right to prosecute without the ungainly grand jury system in certain circumstances. It is a provision that I have no doubt this convention is almost unanimously in favor of. Its place in the constitution perhaps would be in the bill of rights, and that committee, if it should be adopted here, would have something to say as to its place in the instrument. I can conceive of no objection to this provision, and I cannot conceive of any reason why we should apply dilatory tactics here. I believe we should pass on motions as we get to them. We are now in the fourth week, and we have not adopted a great many measures. We refer and re-refer matters to committees, to give them an opportunity to work upon them. Now unless some gentleman of the convention will show me why this provision should not become a part of the constitution, I say we should go to work, and work promptly and diligently, and get through with provisions as we go along, so that the contested matter may have the right of way. I insist uponthe matter being passed upón now.
Mr. Jones of Maricopa: Exactly the same proposition is now before the committee on preamble. Should that committee pass a measure that is technically opposed to this, or in some way not exactly agreeing with this, it will take up the same amount of time here to pass upon their report on this proposition also.
Mr. Cunniff: If the committee on judiciary has examined the proposition now before the preamble committee in connection with this, and has substituted this for all the other forms, it seems to me that we might adopt this now, but if they have not done so, it does not seem the thing to do. Sometimes, 'the more haste, the less speed.'
Mr. Lynch: I would like to state that we examined the other propositions, and found them so nearly conforming to this that we saw no reason why this should not pass. It can be amended when the report of the committee on preamble and declaration of rights comes up. This is not the final passage of the matter, but it pushes it along on the calendar just that much, and it seems to me we should have it out of the way.
Mr. Ingraham: I move an amendment to Section 2 by adding this sentence: 'The court or judge thereof shall upon the petition of 200 resident taxpayers of the county, make such order.'
Mr. Chairman: I would not regard that motion as bearing on the main motion or amendment. It will come up on the amendment as offered by Mr. Jones, that it be referred to the committee on preamble. All in favor of the motion answer aye; all opposed nay. The nays seem to have it; the nays have it.
Mr. Ingraham: Mr. Chairman, I now move my amendment. I think the amendment is necessary for this reason: The

proposition as it now stands will leave the matter of the calling of the grand jury within the discretion of the judge, and it will leave the prosecution chiefly with the district attorney. A hearing will be had in the justice court. It might cause the defendant to be held for an indefinite time to await the action of the superior court. My amendment is aimed at this situation. Suppose the judges refuse to call a grand jury. It seems to me the people should have more protection, and if this amendment were inserted this will give them more power.
Mr. Parsons: I would like to ask the gentleman from Yuma a question. Is it your idea that a superior judge will not have the right to call a grand jury? Is it an accumulative method? The wording of the section as amended would leave it ambiguous. Thisshould be noticed as it would leave it to the judge to call a grand jury at his own pleasure unless a petition was filed.
Mr. Ingraham: The only construction to place upon this is the accumulative remedy.
Mr. Cunniff: Mr. Chairman, why not say, "Grand juries shall be drawn and summoned only by order of the superior court at said courts' discretion, provided that the court or judge thereof must on petition of 200 resident taxpayers of the county make such order."
Mr. Chairman: Does the gentleman from Yuma accept the amendment of the gentleman from Yavapai?
Mr. Ingraham: I accept the amendment.
Mr. Kingan: It seems to me the number should be arbitrary. Two hundred taxpayers would not work right; for instance in counties like Apache and Mohave, it might be very difficult to get 200 taxpayers, while in Cochise or Maricopa Counties, they might be calling for grand juries all the time.
Mr. Lynch: With the idea of the gentleman from Pima that we would be calling for grand juries all the time, I cannot agree, for if it were left with the people, they would not desire to leave their business for this purpose, and I do not see any reason for fear on that point, but I say that it might be better to make it state a certain percentage. As it is I do not think that this is necessary for it is going back to the old idea that our courts are corrupt. I do not agree with you nor the distinguished gentleman from Yavapai. If the courts are corrupt so also might the taxpayers or a percentage of them be so. I am still of the opinion that the motion should be seconded and voted on by this committee just as it is.
Mr. Chairman: Will the secretary please read the amendment of the gentleman from Yuma?
Secretary: (reading) "The court or judge thereof shall upon petition of 200 resident taxpayers of said county make such order."
Mr. Weinberger: Mr. Chairman, I believe the proposition as it now reads is entirely satisfactory. If you will look to Section 1, you will find it broad enough, and it seems to me we should leave the details to be provided for by the legislature and not in this convention.
Mr. Colter: Mr. Chairman, I think that if the amendment obtains that it should be made to read a certain percent and not 200 taxpayers as I know it might or will be a source of trouble in some counties. If an amendment is in order, I move that the words "Two hundred taxpayers," be changed to read "five percent."
Mr. Doe: No time is provided for, and I do not see how a judge can call a grand jury unless the time be provided for, as he might be busy in one county and at the same time be called upon to call a grand jury in another county, and as all you good lawyers know that it is im-

possible for a judge to arrange his work in the courts to go at the call of some other county. Such measures as this without full instructions will work confusion in the courts.

Mr. Jones of Maricopa: Is there any more room for amendments; if not, I think we have spent the necessary time on this question and I move the whole matter be re-referred to the appropriate committee.

Mr. Chairman: A motion has been made and seconded to refer it to the committee on preamble and declaration of rights. Will the secretary please read the Proposition and then read the amendment.

Secretary: Reads Proposition No. 68 and the amendment.

Mr. Chairman: Those in favor of the motion say aye; those opposed say no. The nays have it.

Mr. Chairman: Now the question comes upon the original motion. Gentlemen are you ready for the question?

Mr. Parsons: Do I understand it is the amendment?

Mr. Chairman: The amendment is lost. The question is: Shall the proposition be adopted? Those in favor of the motion say aye; those opposed nay. The ayes have it.

Mr. Chairman: The secretary will read the committee report on Proposition No. 98.

Secretary reads report.

Mr. Chairman: Gentlemen, what is your pleasure?

Mr. Ellinwood: I move that the following be substituted for Section 1. "Sec. 1. All political power is inherent in the people, and all free governments are formed on their authority and instituted for their benefit; the faith of the people of Arizona stands pledged to the preservation of a republican form of government, and subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they think expedient." Now Mr. Chairman, the proposition as recommended by the committee is indeed too broad, and that one clause will leave too much power in the hands of the people. We are bound by the enabling act to maintain a republican form of government. The language used by the committee is the exact wording of the old constitution of Texas when it was a republic. However, in 1876, when the constitution of Texas was revised, gentlemen of the convention, the language was amended to read as I have offered in my amendment. This is essential under the enabling act.

Mr. Chairman: Gentlemen you have heard the motion by the gentleman from Cochise, are you ready for the question?

Mr. Cunniff: Mr. Chairman, as this is only one of the many reports which will come up for the committee on preamble, and as there are several others which may come up before the convention, I move that this proposition be re-referred to that committee until some one proposition is decided upon.

Mr. Cassidy: I would like to inquire whether it is the intention of the committee on preamble and declaration of rights to submit another report, or is this report final? If this is the final report I think we should pass upon it now.

Mr. Chairman: Will the chairman of the committee on preamble shed light upon the question?

Mr. Crutchfield: As chairman of the committee I would say that as I have been absent for a week and other members have been away also, we have not had a meeting, however, we had before this time considered a number of propositions and agreed upon this one as being the best, although they are all very much alike. It is our intention to call a meeting at once and consider others in order that we

may make a report at an early date.
Mr. Chairman: Are you getting ready to bring in another report?
Mr. Crutchfield: We expect to cover most of the ground at our next meeting and give a final report on all propositions submitted.
Mr. Cunniff: Is it not the best way to consider all the propositions and then decide upon one which seems the most intelligent and most likely to be adopted and report to the convention in this manner. It seems to me that it is certainly a great waste of energy and time to consider them one by one and report them in the say way when they all could be handled at the same time and disposed of at once.
Mr. Chairman: The question before the committee of the whole is the motion of the gentleman from Yavapai, to the effect that Proposition No. 98 be re-referred to the committee on preamble and declaration of rights. Those in favor of the motion say aye; those opposed nay. The ayes have it; so ordered.
Mr. Short: Mr. Chairman, I move that the committee of the whole now arise and report progress made.
Mr. Jones of Maricopa: I second that motion.
Mr. Chairman: It has been moved and seconded that the committee of the whole do now arise and report progress.
The motion prevailed.
The president resumed the chair.
Mr. President: The convention will come to order. The chairman of the committee of the whole will now report.

Mr. Winsor: Mr. President: Your committee of the whole begs leave to report that it has examined Propositions Nos. 63 and 123, 68 and 98, and respectfully recommends that Proposition No. 63 do not pass; that Proposition No. 123 do not pass; that Proposition No. 68 do pass and that Proposition No. 98 be re-referred to the committee on preamble and declaration of rights.

Mulford Winsor, Chairman."

Mr. Winsor: Mr. President, I move that Proposition No. 63 be indefinitely postponed.
Mr. Jones of Yavapai: Mr. President, I second that motion.
The motion prevailed.
Mr. Winsor: Mr. President, I move that Proposition No. 123 be indefinitely postponed.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Ingraham: Mr. President, I move to amend Proposition No. 68 as follows; "Section 2. Grand juries shall be drawn and summoned only by order of the superior court at said court's discretion; provided that the court or judge thereof must on petition of 5 per cent of the qualified electors of the county make such order."
Mr. President: Gentlemen, you have heard the amendment of the gentleman from Yuma. Those in favor of the adoption of the amendment will answer aye, and those opposed will answer nay, when the roll is called. The secretary will call the roll.
Roll call showed 23 ayes and 26 nays.
Mr. President: The amendment is lost. The motion to adopt Proposition No. 68 will be in order.
Mr. Cunningham: Mr. President, I move the adoption of the proposition.
Mr. Cooper: I second that motion.
Mr. Ellinwood: Mr. President, I am opposed to the prosecution of any person except upon indictment by a grand

jury. It is too sacred to be left in the hands of a district-attorney, who might have some spite, or the person bringing charges against such person charged, might have some spite and of the pettiest nature, yet that person would be subjected to a trial by the district-attorney, who would use his power and authority for the conviction of that person, and we all know the abuse of the authority that is reposed in the district-attorney. I claim we should have the protection of the 5th amendment of the Constitution of the United States.

Mr. Cunningham: Of course the gentleman from Cochise also knows the abuse of the authority reposed in the lower courts as well as the higher, but I am in favor of the adoption of this proposition because it gives each person a hearing within a very short period of time without awaiting the action of a grand jury and because that person, if he can secure protection at all, can do so before his district-attorney. Again it is a very great saving of time and expense to grant a prompt hearing to persons charged. In a court of this kind he can have his witnesses there for his defense and that is the very quickest and least expensive hearing that a person can be given. It is a real preliminary hearing and he has a right to such preliminary hearing. The grand jury system of this territory is in great error under the present system. I am progressive enough to put such a law, such a protective law, into our constitution. I am ready, and I have already raised my voice in this hall in defense of the courts, but I feel that this is the safest, the best, the most certain and the least expensive method of granting the people the right of a preliminary hearing and an early hearing before our courts of justice.

Mr. Ellinwood: Move to strike out the words, "by information or," in the second line, and the words, "No person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination," in the third, fourth and fifth lines of Proposition No. 68. I cannot agree with my worthy colleague from Cochise. I say that I am opposed to the prosecution of any person unless he is indicted by twelve taxpayers of the county, and he should not be left to the benevolence of a district-attorney, who for spite on his own part or that of his complainant would abuse the authority reposed in him for the conviction of that person.

Mr. Parsons: Eliminating the matter of expense in this important question for arguments' sake, and taking up the matter of a speedy trial it seems to me that nothing could be more just or speedy than to give each person charged the right to come before the magistrate of his own county and that is the freest and best preliminary hearing a person could be granted, but not to relegate him to the room of a grand jury where he does not have nor is he allowed counsel nor conversation with the witnesses. I say that he should have a hearing not in a star chamber but before his county magistrate of the law, in his own precinct, and if he cannot secure justice before such a magistrate there can be no justice in our courts either lower or higher.

Mr. Cooper: I agree with the gentleman from Cochise, that not only from the standpoint of a much smaller expenditure of money, that there is more justice and more speed in the granting of a hearing before the magistrate of one's own precinct, than it would be to bring him before a court of strangers. The question of a grand jury means that men, business men, must sacrifice their business and their interests to go and sit on a grand jury at the call of a judge and that to save time and expense it would be a question well worth our attention and incorporation into the constitution.

Mr. Ellinwood: Under the system, I can see no justice, and I say that the expenditure is not to be counted when the life or imprisonment of a person is pending, and that no person should be brought into court without first being indicted by a grand jury. In many cases a grand jury hearing means dismissal, but if held the charges are not made as weak on the grounds as would be those offered by a district-attorney. The greatest preliminary hearing a person can be granted is that of the grand jury, a body of eighteen or twenty-four men, whose judgment can surely be relied upon as to guilt or innocence sufficient to send the defendant to the court.

Mr. Lynch: There is just a little difference in my experience in the figures of my opponent in the matter of criminal cases or courts. Now there is a question that has not been touched upon and which I consider a very important one and that is this: A person who is committed to await the action of a grand jury whether he be liberated by that body or indicted and then granted liberty from the courts, there is forever a stigma placed upon his name simply because he was bound over to the mercies of a grand jury.

Mr. Cunningham: The arguments submitted here have been sufficient from the standpoint of justice and right, but now to take up the question of expense. I say that this phase of the question cannot be eliminated from consideration, for a question of economy of time as well as money is sufficient to make the proposition justifiable.

Mr. President: Gentlemen, the question comes up on the amendment offered by Mr. Ellinwood.

Mr. Doe: If you grant to the district court the power the grand jury now has there might come a time when there would be an absolute need of a grand jury or a trial by such jury and the power to call one would be lost, and I would advise that we be careful in the vote we cast on so important a matter.

Mr. President: Those in favor of the amendment say aye; those opposed say nay. The nays have it. The motion is lost.

Mr. President: Now the motion comes up on the adoption of Proposition No. 68. Those in favor of the motion say aye; those opposed say nay. The ayes have it.

Mr. President: The proposition will be placed on the calendar and come up in the regular order of business.

Mr. Winsor: I move the convention take a recess until 2 p.m.

Mr. Jones: I second that motion.

The motion prevailed.

Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. A quorum is present.

Second reading of propositions.

Secretary: (reading Proposition No. 133.

Mr. President: Second reading of proposition; referred to committee on counties and municipalities.

Secretary: (reading) Proposition No. 134.

Mr. Short: Mr. President, the printer said he would print a correct copy of Proposition No. 134. It will be here in the morning.

Mr. President: It will be referred to the printing committee.

Secretary: (reading) Proposition No. 135.

Mr. President: Second reading of the proposition; referred to committee on judiciary.

Secretary: (reading) Proposition No. 136.

Mr. President: Second reading of proposition; referred to committee on labor.

Secretary: (reading) Proposition No. 137.

Mr. President: Second reading of proposition; referred to committee on labor.

Secretary: (reading) Proposition No. 138.

Mr. President: Second reading of proposition; referred to committee on mines and mining.

Secretary: (reading) Proposition No. 139.

Mr. President: Second reading of proposition; referred to committee on judiciary, No. 4.

Secretary: (reading) Proposition No. 140.

Mr. President: Second reading of proposition; referred to committee on judiciary.

Secretary: (reading) Proposition No. 141.

Mr. President: Second reading of proposition; referred to committee on labor.

Secretary: (reading) Proposition No. 142.

Mr. President: Second reading of the proposition; referred to committee on railroads.

Secretary: (reading) Proposition No. 143.

Mr. President: Second reading of proposition; referred to committee on suffrage and elections.

Secretary: (reading) Proposition No. 144.

Mr. President: Second reading of proposition; referred to committee on judiciary.

Secretary: (reading) Proposition No. 145.

Mr. President: Second reading of proposition; referred to committee on schedule, mode of amending and miscellaneous.

Secretary: (reading) Proposition No. 146

Mr. President: Second reading of proposition; referred to a committee on counties and municipalities.

Secretary: (reading) Proposition No. 147.

Mr. President: Second reading of proposition; referred to committee on public debt, revenue and taxation.

Mr. Cunningham: The proposition lying on the table, which is a printed amendment to Substitute Proposition No. 4, seems to be without any order. Those matters that are in line with it, and which it is proposed to substitute, have been made a special order for tomorrow. I desire to hear the record.

Secretary reads record.

Mr. Cunningham: Perhaps that is clear, but it seems to me that we can hardly refer it to two committees at the same time. That was the only question in my mind.

Mr. President: It was by unanimous consent. The third reading of the propositions.

Secretary: (reading) Proposition No. 68

Mr. President: Third reading of the proposition; those in favor of the passage of the proposition will answer aye; those opposed no. The secretary will call the roll.

Roll call showed 33 ayes, 12 nays.

Mr. President: Passed. Goes to committee on style, revision and compilation. Business lying on the desk. Other business of the convention.

Mr. Orme: It seems to me we have forgotten a matter. I think the governor should have a copy of each and every one of the propositions introduced here; therefore, I move you-----

Mr. President: I Instructed the clerk a week ago to give

copies to the governor, and he got them up to that time.
Mr. Orme: I was talking with him today, and he said he would like to have a copy of each one to put on file, and accordingly I made this motion, that he be furnished with a copy of each one of these propositions.
Mr. Jones of Yavapai: I second that motion.
Mr. President: Where are you going to get them?
Mr. Short: The printing committee will have a copy furnished the governor.
Mr. President: It is the wish of the convention that the governor be furnished these copies.
Mr. Cobb: I move that the secretary be authorized and instructed to furnish the director of the census with the boundary line between Greenlee and Graham counties.
Mr. Parsons: I move as an amendment, as a relief to the secretary, that the gentleman from Graham, Mr. Cobb, be requested to furnish the data.
Mr. President: Mr. Cobb, would it be time enough to send it by mail?
Mr. Cobb: I will state that Mr. Tuthill and myself-- the two members from Greenlee County are perfectly willing to divide up the population evenly between the two counties, with reference to all matters. I know we are getting a little the worst of it, but nevertheless we are willing to do it.
Mr. President: Those in favor of the motion answer aye; those opposed no. The ayes have it.
Mr. Osborn: When the roll on No. 68 was called I happened to be out. I would like to have my vote recorded on that, if possible.
Mr. President: The gentleman asks unanimous consent that he be placed on the roll call on No. 68. If there is no objection the secretary will call his name on No. 68.
Secretary: Mr. Osborn.
Mr. Osborn: Aye.
Mr. Winsor: I suggest that this is going to suggest a bad precedent.
Mr. President: Well, why didn't you object?
Mr. Winsor: How does the chair rule.
Mr. President: When it is unanimous the chair will have to rule that it is right.
Mr. Cunningham: I move we adjourn until 9:30 o'clock in the morning.
Mr. Short: I second the motion.
The motion prevailed.
Convention stood adjourned to 9:30 a.m. November 4, 1910.

JOURNAL. November 4, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: Convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. President: Gentlemen, we have for our consideration Substitute Proposition No. 4 with minority reports and amendments. The convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Morris Goldwater, in the chair.
Mr. Chairman: The committee will come to order. Mr.

Secretary, what is the order?

Secretary: Consideration of Proposition No. 4 with minority reports and amendments, and also Substitute Proposition No. 4 offered by Mr. Baker yesterday.

Mr. Moeur: Read the original proposition.

Mr. Webb: I think there is no reason for reading this original, as I believe the committee was unanimous in reporting the substitute in place of the original No. 4, except as to some minor points.

Mr. Moeur: This is a very important question, and I would like to get all the information possible. I insist on the reading of the original proposition.

Mr. Cunniff: I wish to furnish the information asked for by the gentleman from Maricopa. There were four propositions on this subject before the committee on legislative department. The committee worked steadily and persistently, and incorporated the features of these four propositions in this substitute report, and I believe the features of every one of these four propositions were put into the majority report. In order to make the procedure proper we took one of the four submitted, recommending that this substitute be put in place of that, and indefinitely postponing the other three. Therefore, it seems to me the only document of interest is the committee substitute, and as that incorporates the features of not only the other three but of the original No. 4.

Mr. Webb: In addition to what the gentleman from Yavapai has just stated, I will say that the senior member from Maricopa introduced Proposition No. 4, and now has up for consideration a proposed amendment covering the entire ground.

Mr. Baker: For the purpose of getting it properly before the committee of the whole, I now move that as an amendment to the substitute bill as reported by the legislative committee, we pass a bill containing substantially the provisions of Proposition No. 4 as originally introduced by myself, except as to leaving blank the percentage for the initiative and referendum, and transposing some of the sentences to make them more logical and better reading, and to make more clear the extension of the initiative and referendum as to localities. The wording of that has been changed in the proposed amendment so as to read 'every county, city, town, or other municipality.' These are substantially the changes in the amendment, I am now going to offer.

Mr. Webb: I wish the record to show that my name be stricken from the majority report on Proposition No. 4. It is on a separate minority report.

Mr. Weinberger: My name should be on the majority report, agreeing with the substance of the report except as to paragraph 8.

Mr. Webb: I would suggest that the substitute offered by the gentleman from Maricopa be read.

Secretary reads Mr. Baker's substitute proposition.

Mr. Winsor: Mr. Chairman, I suggest that in the interest of expedition and system that the minority reports which relate to simply one section of the committee proposition be acted upon in order; after which the question shall be upon the substitution of the amendment proposed by the gentleman from Maricopa. That will dispose of all amendments with relation to that section, and will leave the complete bill with one or another of these amendments incorporated therein.

Mr. Hunt: I second the motion.

Mr. Chairman: You have heard the suggestion; if there are no objections the chair will consider the motion before the House is that the minority reported headdd by Mr. Cunniff be taken up, that being first in the order of printing.

Mr. Cunniff: I move that the amendment be substituted for paragraph 8 of the substitute bill.

Mr. Cassidy: I second the motion.

Mr. Chairman: The motion is that the minority report signed by Mr. Cunniff, Mr. Cassidy, and Mr. Weinberger, be inserted in lieu of lines 15-25 on page 8 of the printed copy of the original bill. Are you ready for the question?

Mr. Baker: Mr. Chairman, I am opposed to this amendment for the reason that it is not broad enough. It is not extensive enough; it does not give the people in certain localities an opportunity to use the initiative and referendum, to which I believe they are all entitled. You will notice that the language used reserves the right to the qualified electors of every incorporated city, town and county. It extends no further, the well established rule of law being that when certain things are enumerated or stated in a statute or in a constitution, all other not directly mentioned are excluded. Now, under this rule the initiative and referendum will be strictly limited to the city, the town, and the county; but here you have your irrigation districts. Here in this county, and in all counties, you have school districts which exercise local powers to pass local rules and regulations, such as the issuance of bonds, purchase of school sites or changing of school houses. Under this measure every school district no matter how directly interested the people may be in the matter, cannot use the initiative and referendum, simply because it is limited to cities, towns and counties. That is my objection to the amendment. It cripples its use. The language in the original bill is much better, and would cover any body that does any legislating or makes any local regulations.

Mr. Cunniff: I have not the slightest objection at all, nor I think have the other gentlemen who have signed this minority report to making a change and adding the words "or other municipality." The point is very much deeper than that. As I understand it, the point is that paragraph 8 of the substitute proposition and also the amendment offered by the gentleman from Maricopa does not indicate clearly what powers are given to cities. We have now in the Territory of Arizona in regard to one very important matter a segregation of the city from the county in regard to legislation or action on that matter, and it seems to me that solution of the problem of powers to be given to the counties and cities is one that is sound in principle, and I believe we should carry out the same plan in the state government for Arizona, in regard to the distribution of powers as to cities and counties. In other words, the purpose of this amendment is to provide "home rule" for cities. I do not think we should allow this proposition to go into the constitution of Arizona without a clearer definition of what the subdivisions in the State of Arizona are. Now my idea is set forth in this amendment, but a new idea of government in Arizona as to the kind and amount of power that is given to counties, has been proposed in the committee on legislative department, and the fundamental idea thereof is expressed in the proposition as amended here by the gentleman from Graham. That idea is that any action taken by the county shall rule the cities as well as the counties. Now, I am very strongly opposed to this sub-

stitute proposition of the committee and that of Mr. Baker, because that paragraph does not make clear what is their distribution of powers in that particular. The purport of this amendment is that we should have a segregation of the city from county control. Therefore, the question for the convention to decide is which idea do we wish to have set forth in this constitution, whether the one that is in the substitute committee report and also in the report of the gentleman from Maricopa, which seems to follow that committee report in this respect, or this amendment where it is clearly settled. There were two views held by the gentleman of the legislative committee, as to this, and where there is a difference of opinion among men giving it careful consideration, that paragraph must be susceptible of two interpretations by the various courts. I had this under discussion with the gentleman from Graham and told him that the purpose of our amendment was to the distinction that there should be segregation of cities, and his idea as expressed to me was that as he wished to carry out their theory of government he would bring in a minority report making this scheme of county control even over cities, at least that is the way I understood it.
Mr. Baker: The gentleman is making a distinction without a difference, so far as applied to this amendment. If you will notice the amendment which I have offered to the original bill, which has the same language as used in the original proposition No. 4, the cities, town, counties, etc., in all municipal matters are confined in the initiative and referendum to local laws - local, special municipal legislation. They could not legislate about general law. No city or town passes general laws. The general laws are enacted by the legislature, by the state at large, and they control the whole state. Now the term, "local special legislation," refers to those matters that the county has a right to make or the district or city has a right to make under power given by the general law. Thus, when you undertake to say in the amendment that you give the same power by the initiative and referendum confirmed to them by law, you have only said that which exists already and must necessarily exist. There is no use in this; it is simply a waste of words. You might as well paint a cow with horns and all, and then write on it, "This is a cow." (Laughter) It is absolutely and wholly unnecessary. The original bill limits the use of this legislation to special and local matters, and has nothing to do with general laws.
Mr. Cassidy: I think the gentleman from Yavapai is entirely mistaken as to the scope of this amendment, and I think the gentleman from Maricopa has truly stated the real situation. Paragraph 8 in the Substitute Proposition No. 4 has been changed by the amendment by adding a few words after a certain sentence. Now the gentleman from Maricopa says that paragraph means what it would mean if those words were added. I think this is undoubtedly true, yet I found on discussion of this matter with some members of the committee and of the convention that some of them had the idea that it did not mean what I supposed it meant and that it did not mean what the gentleman from Maricopa supposed it meant. Now, this paragraph reserves the power of the initiative and referendum as to all local, special and municipal legislation. Does this mean that the county, for instance, can legislate only on those matters over which it is given authority by the general law, or does it mean that the county can legislate on all matter on which it is not forbidden by general law.

In other words, does it give a government of delegated powers, or a government of reserved powers? Now, gentlemen, there is all the difference in the world. If it is a government of delegated powers, then under this initiative law the county can pass no legislation except as to subjects concerning which it is authorized to legislate by general law. On the other hand, it means that it is a government of reserved powers, then it means that the county or city can pass legislation on any subject on which it is not forbidden by general law. If this language means a government of reserved powers, it gives every county and every city increased powers within its own limits, and we will have instead of the revised statutes of the State of Arizona, the revised statutes of the County of Maricopa, the County of Yavapai, and other counties in Arizona. Now, I say, if this language is ambiguous or uncertain, and I find that it is uncertain because members of the convention do not agree as to what it means, then now is the time to make it certain, and if it means to authorize counties to legislate only on matters concerning subjects on which they are authorized by general law then why not add those words and make it specific- make it certain. That is all this amendment proposes to do. It simply proposes to make definite and express what the gentleman from Maricopa says it already means. If a picture is painted, and it is meant to be a cow, and if there is any doubtas to whether it is a cow or not, then let us say, "It is a cow." (Applause)

Mr. Cunniff: I might add to the words of the gentleman from Maricopa that the trouble is some think it is not a cow, but a sheep.

Mr. Baker: While I oppose the proposition, my original idea is absolutely correct. As we are using the illustration of painters, if you have not ability enough to paint a cow so everyone will know it is a cow, you have no business painting at all. (applause) You are making laws -the greatest kind of laws, and you ought to have the ability to express it so that you do not have to write on it what you meant by it. But outside of these matters, we have back of all of this the other objection I raised to this amendment, that is the limitation of the right of the people to use the initiative and referendum, confining it to cities, towns and counties, while you have other bodies in the county that also have rights, as I have already illustrated, such as school districts, irriga-districts, and other districts that might be formed by the legislature. That is the principal objection I am making.

Mr. Webb: I was misquoted by the gentleman from Yavapai, and while I do not think I was intentionally misquoted, I did not intend to convey to him the meaning he seemed to draw from the very brief talk we had. I am opposed to the amendment proposed because I think it is without precedent. I do not think you can find in any initiative or referendum law now written not in any constitution or statute book the language which the gentleman proposes. I think the proposition of the gentleman from Maricopa is taken either from Colorado or Oregon, and mine is from Oklahoma. This is only one reason. Another is that he wants to leave too much to the legislature. Also it does not provide a different percentage of the voters in a county or district from that required in a city or town. I think the initiative and referendum should be as securely reserved to the different districts as to the state at large.

Mr. Cunniff: I wish to say in answer to the gentleman from Graham, that when the Oklahoma convention took up this matter they had before them the Oregon text, but changed that to suit their local conditions. I say therefore that we should change that Oregon text to meet our local conditions and set forth the idea we wish to have in the constitution of the State of Arizona.

Mr. Cobb: I am inclined to favor the amendment of the gentleman from Yavapai if he will add the word "municipality."

Mr. Cunniff: If the gentleman from Graham will make the motion, I will agree. Now, I cannot agree with the gentleman from Graham, Mr. Webb, if it is his idea to make the powers of the towns, cities and counties co-extensive with that of the entire territory. I think we should first change the name from the State of Arizona to the United Municipalities, or the United Republics of Arizona.

Mr. Webb: Mr. Chairman, I desire to say to the gentleman from Graham that I have no such thought or intention, nor has this convention the power to do such a thing, but I do think that power should be co-equal on all matters they have the right to legislate.

Mr. Feeney: Mr. Chairman, I would like to ask, have the counties the right to legislate? That is the problem that has been bothering me.

Mr. Cunniff: Mr. Chairman, the amendment is word for word like this amendment, except the word "counties" is omitted. That is the one signed by Mr. Coker, Mr. Feeney and Mr. Morgan, and if we are going to have a discussion on that matter, I think it would be well to have it in connection with this, so that the final vote may be understood to be a vote on these two, and if anybody wishes to amend this by cutting out the word "counties", I think the discussion should take place at this time. The amendment is exactly the same as the other, except "counties" is entirely cut out, and it seems to me if what the gentleman from Graham said is true, then I am pledged to reserve his power to cities as well as the state at large, but I want it made clear that the counties have such powers reserved to them as are given under the general law and incorporated cities and other municipalities within the county shall have the power to use the initiative and referendum separate from the county.

Mr. Doe: Do I understand that if the amendment is carried that it shuts off a vote on the minority report?

Mr. Cobb: In the minority report signed by Cunniff, Weinberger and Cassidy it is proposed to add after the word "counties" in the third line "and all other municipalities", also, in the fourth line after the word "counties" add "and all other municipalities;" and in the fifth line after the word "counties" add "and all other municipalities."

Mr. Chairman: It is proposed to add after the word "counties" the words "and all other municipalities."

Mr. Cassidy: Mr. Chairman, on yesterday I was looking up some decisions in Oregon, and I find that the Supreme Court has decided that where initiative powers are given generally to counties, districts and cities, that the word "district", where the district includes incorporated cities and also includes other territory, that the larger will prevail--that the larger includes the smaller, and that where there is a conflict between an incorporated city and the district in which that city is included, the court holds that the district prevails, and that the law as adopted prevails over the entire district, including the limits in which the city is located, and I feel certain that if we use the word "county" here, and have any election on any county subject, that our courts will construe that the law will apply to the whole county, notwithstanding some subdivision in that county may have voted otherwise.

Mr. Cunniff: Mr. Chairman, if this distributes the power under the general law, it is to be understood that nothing of this kind can take its place until the general law, or our paragraph on counties and municipalities, distributes that power and states what matter should be under the county legislation and what would be under the city legislation.

Mr. Jones of Maricopa: Mr. Chairman, if I understood correctly, Judge Baker's principal objection to the minority report was because it was not broad enough; did not include school districts and irrigation districts. Mr. Cobb's motion includes these words, "and all other municipalities."

Mr. Webb: Mr. Chairman, the gentleman from Cochise, Mr. Feeney, asked the question - Has the county power to legislate on any matter? No member will deny that they have the right to regulate certain things; you may call it what you will. They doubtless always will have that right, and I should say that the initiative and referendum should be as jealously guarded for them as it is guarded for the people in cities and municipalities.

Mr. Weinberger: Mr. Chairman, if the initiative and referendum powers be reserved to the people will it be to the people of the smaller subdivision? The decisions of the courts are to ~~that~~ effect that if the majority of the people of a larger subdivision vote on a subject, and a majority vote a certain way, that the majority vote carries regardless of the will of any smaller subdivision within the larger body, and I am afraid that if the word "county" is going to be included within this amendment, that the smaller subdivision will be deprived of the power we are going to give them.

Mr. Cunniff: Mr. Chairman, that distribution of powers is a matter to come up under municipalities, where those matters will be presumably prescribed, and would it not be true that if that is prescribed in that way, then there could not be any such interpretation as the gentleman points out as being made.

Mr. Baker: If some provision were made whereby if an election were called within a county, a city, or a town, could at the same time vote upon the same subject, the proposition might be solved. I think the people within the cities or towns within that county should have the right to express their approval or disapproval of any matter that might be brought before the people, and if some provision were made whereby the state or town could at the same time vote upon the subject there would be a solution.

Mr. Cunniff: Mr. Chairman, I think there should be definite provision, either in this constitution or by general law, stating what powers are given to cities. For example, if particular matters be left to the county, the rights of the cities should be properly observed.

Mr. Webb: Mr. Chairman, if the position just taken be followed to a logical conclusion, must you not segregate the city from the state? The county is a smaller portion of the state, andmatters that come up in counties are local matters, and those local matters that must come up before a county may, possibly be to the detriment of the city or town, but I take it that the people of any subdivision within the state should have the right to express the approval or disapproval of any measure and that the state and each subdivision should control, within its boundaries.

Mr. Cunniff: Mr. Chairman, I would like to answer the gentleman from Graham. He says that there are matters on which a county may act that are not matters of legislation. I observed in taking up that matter, in the Oklahoma constitution they varied from the form used in Oregon by adding the words "or action." I would be perfectly willing that that phrase should go in here; that meaning this, that the legislation and the action that are given to counties and are given to cities shall be prescribed in our paragraph or section on counties and municipalities.

Mr. Webb: Do you hold that the same percentage should be required to sign a petition in a county and a city ?

Mr. Cunniff: Yes.

Mr. Webb: If that be true, then should not the same be required in the state?

Mr. Cunniff: Mr. Chairman, it seems to me that this is practically the same proposition in getting a percentage of a county as in a town.

Mr. Roberts: If the people of my county thought that they were to be deprived of the rights that they expected to be reserved to them, there would not have been one member in this convention on our platform. (Applause).

Mr. Short: Mr. Chairman, for my own benefit, in case the initiative and referendum is extended to the counties and also to cities and towns or municipalities, I would like to have some gentleman of the law, who is a member of this convention, say that the status of the town or city would be which lies partly in one county and partly in another.

Mr. Chairman: The question is upon the adoption of the minority substitute as amended by the gentleman from Graham. The amendment of the gentleman from Graham has been accepted, as I understand it, Are you ready for the question?

Mr. Webb: Roll call.

Mr. Chairman: As many as are in favor of the adoption of the substitute for paragraph 8 of the original bill, when their names are called will answer aye; those opposed will answer no.

Mr. Parsons: Mr. Chairman, before this vote is taken I desire to ask some of the better informed brethern in the legal profession here, and also some of the gentlemen who have advocated this amendment, a question or two, so I may be aided to thereby vote more intelligently. The question has been presented by Mr. Feeney of Cochise as to whether a county can legislate. Now, I am quite familiar with the fact that in our statutes provisions are made by general law for legislative departments in incorporated cities and towns, and I want to say that I have not found in the copy of the statutes to which I have had access any provision whereby the county is authorized to legislate. What provision is there in our statutes that provides for a legislative body in the county? I think you all will admit that there is none. The gentleman from Yavapai suggests that they have gotten around that in Oklahoma by adding the words "or other action." What do we say with reference to the power of the initiative and referendum in our definition by the committee? What have we the right to initiate? Law. Anything else? No. We have the right, as laid down here, to simply initiate law. What have we the right to refer to the vote of the people? A law that may have been passed by the legislature of our state, which a given percentage of the voters desire to pass upon. If we are going to say that a county, that is not a legislative department recognized by general law of the state, shall be allowed to exercise the initiative and referendum with reference to matters other than pertaining to the

county, then are we not giving counties special preference over the state at large and over subdivisions of the state. If you are going to apply this to counties you must provide for establishing a legislative body in the county. Now, this is the way it presents itself to my mind, and it seems to me that any proposition or amendment that come in here that gives the counties the right to legislate is unsupported by any provision of law, and instead of giving the state and all its subdivisions an equal chance, it would be allowing the county to do something that the state itself could not do.
Mr. Webb: Mr. Chairman, if I am not wrongly informed, the candidates to this convention from Cochise county were pledged, either from the stump or in their platform, to favor the Oregon plan of initiative and referendum. If the gentleman will turn to the Oregon plan he will find that it does include counties.
Mr. Feeney: Mr. Chairman, I was pledged also to give absolute home rule to the cities always. (Applause)
Mr. Cunniff: Mr. Chairman; I would like to point out to the gentleman from Cochise, Mr. Parsons, that he will find on page 4277 in the volume of the Oklahoma Constitution, line 7 the phrase, "as to all local legislation or action."
Mr. Baker: Mr. Chairman, if you will turn to page 368 of the revised statutes of this territory, you will find this provision for the board of supervisor: "To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws." (Applause)
Mr. Cunniff: I would like to add if the gentleman from Cochise wishes to move an additional amendment to put in the phrase "or action" I will be very glad to do so.
Mr. Roberts: I came here standing on this progressive platform which assured the people of every county, city and town the right to use the initiative and referendum, and I will go down with it for the people of the state to use this mode of procedure. I do not propose to make any distinction between the people of the cities and the people of the counties.
Mr. Parsons: Mr. Chairman, I want to read from a portion of the Cochise county platform as follows:

"Believing in the ability and discretion of the people and that they are capable of self-government, and the closer law-making power is to the people, the better the results and safer the government, we pledge our candidates for the constitutional convention to use their utmost endeavor to place in the constitution self-executing provisions for the initiative and referendum on all laws and all amendments to the constitution substantially according to what is known as the "Oregon Plan."

Mr. Lynch: Mr. Chairman, I would like also to substitute the following: "The right to perform all other acts and things which may be necessary to the full discharge of the duties of the chief legislative authority of the county government," which undoubtedly established in the county a legislative right.
Mr. Weinberger: Mr. Chairman, the objection that is going to be heaped upon this amendment is that by giving the counties these powers the cities and the towns within that county are going to be deprived of their powers. You are going to deprive the city and the town of its power of home rule, for you are going to give the county the right. I therefore move an amendment to Mr. Cobb's amendment by striking out the word "county".

Mr. Chairman: Mr. Cobb's is not an amendment. It has been accepted by the gentleman from Yavapai.
Mr. Weinberger: Then I move an amendment tothe minority report by striking out the word "county".
Mr. Cunniff: Mr. Chairman, I would like to point out to Mr. Weinberger that this phrase "and other municipalities" is accepted also, so I think his amendment would oover the county and also this phrase "or other municipalities," since the county is a municipality.
Mr. Bólan: Mr. Chairman, I think the same as Mr. Cunniff; in regard to the county. I think that the county, as well as the town, and the state, should all have a say in this initiative and referendum; that is, that the government that this is supposed to give to the cities shall not take all of the power away from the counties.
Mr. Cunniff: Mr. Chairman, I think the gentleman from Cochise does not understand. I stand for the very same thing he does.
Mr. Moeur: Mr. Chairman; so far as the cities are concerned, I would like to have them have the power to legislate, but there are a good many things that come into the city that the county has to pay for, and the taxpayer should have some consideration,--especially prohibition. (Applause) I agree With the gentleman from Maricopa. It seems to mewe fail to recognize one thing. The city is a municipality of delegated powers. All the powers are given to it by the general law, and the county is also a government of delegated powers, given to it by general law, and no word or words that we could put into this initiative could change that fact. Now then, if the county has only such powers given to it as are delegated to it, and the city has only such powers given to it as are delegated to it, there is no way in which I could conceive that the interests of the city and the interests of the county could come in conflict. Under our present system, the general law, the very point which I think is in the minds of a great many delegates here is local option, which is governed by general law. In that general law the cities are segregated from the county, and there is no possible way by which a county could legislate so that the cities would not have a separate vote. If that is the stumbling block in the way it seems to me that we might disregard it. The city has its full rights under the general law,- the laws of equal weight with the laws regulating county affairs, and it seems to me it would not be possible to come into conflict.
Mr. Ellinwood: I second the motion of the gentleman from Gila, Mr. Weinberger.
Mr. Jones of Maricopa: Mr. Chairman, as the gentleman from Graham has just said, those conditions and restrictions are laid down now by law, and if we put other restrictions into this constitution, this constitution will repeal every law that is repugnant to this constitution.
Mr. Cunniff: Mr. Chairman, I would like to say that it was the understanding of the delegates here that this provision in the committee's report does actually do that thing, and therefore, in order to remove it from all misunderstanding, this other proposition has been prepared.
Mr. Baker: Mr. Chairman, it seems to me that there is some confusion in the minds of the gentlemen. The language of the provision that you are going to prepare, except this amendment offered by the gentleman from Yavapai, is that these counties, cities, and towns, and other municipalities are limited under the constitution itself

to municipal legislation for their respective municipalities. That necessarily limits the power of the city, the power of the county, or of any municipality in the county, to only use the initiative and referendum in reference to something that is local to them. Take the local option law in this county at the present time. The county has the right to exercise it, except in cities. Now then, the prohibition law as it now stands is local to the county everywhere except in the cities. It does not cover cities because cities are separate under the general law. Now as to the local option within these cities. It is to the city local. They have a perfect right to have it or not to have it. The county may separate it from the county but they cannot separate it from the city, but, on the other hand, the city can have it. Now this is my understanding of the proposition.
Mr. Cunniff: Mr. Chairman, I beg to say that there are members here in this convention who advocated putting that in there, who take it to mean just the opposite, and so long as any misunderstanding as that can exist I believe it is vital for us to make clear our position on these matters.
Mr. Chairman: The question is on the amendment of paragraph 8, and the motion is to strike out the word "county". Are you ready for the question? Mr. Cobb offers an amendment to insert the words "or other municipalities." The other amendment to insert the words "or other municipalities" was accepted and consequently it is not necessary to be put. Your motion is to strike out the word "county". Are you ready for the question?
Mr. Webb: Roll call.
Mr. Chairman: As many as are in favor of the proposition to strike out the word "county" will answer aye when their names are called, and those opposed will answer no. The secretary will call the roll.
Roll call showed 12 ayes and 40 nays.
Mr. Chairman: The motion of the gentleman from Gila is lost. The question is now on the adoption of the minority report found on page 11; that is the substitution of that in place of paragraph 8, found on page 8, lines 15 to 25. Are you ready for the question? As many as are in favor of the substitution will when their names are called answer aye; those opposed, no.
Roll call showed 11 ayes and 41 nays.
Mr. Chairman: The motion is lost.
Mr. Cassidy: I move that Mr. Webb's amendment be substituted for paragraph 8 of Substitute Proposition No. 4 of the legislative committee.
Mr. Webb: I second the motion.
Mr. Chairman: I would call attention to the fact that the committee has ruled that the amendments be taken up in their order. The next amendment will be the one signed by Feeney, Coker and Morgan.
Mr. Coker: Mr. Chairman, I do not care to urge the adoption of my minority report, and would therefore make a motion that it be withdrawn, with the unanimous consent of the committee.
Mr. Ellinwood: I move the adoption of the report of Mr. Coker.
Mr. Feeney: I second the motion.
Mr. Chairman: It is moved and seconded that the minority report found on page 12, signed by Feeney, Coker and Morgan be adopted. Are you ready for the question?
Mr. Webb: I am opposed to the proposed amendment for the reason that it eliminates all counties and other municipalities, and the platform upon which I was elected pledged me to the support— or pledged me to reserve to the people

of these municipalities the right of the initiative and referendum.

Mr. Chairman: The question is on the adoption of the substitution of lines 1 to 11 on page 11 for lines 15 to 25 found on page 8. Are you ready for the question? As many as are in favor of the proposition when the roll is called will answer aye; those opposed will answer no. The secretary will call the roll.

Roll call showed 3 ayes, 45 nays.

Mr. Chairman: The motion is lost.

Mr. Webb: I now move that the minority report offered by myself be substituted for the eighth clause in the proposition known as Substitute Proposition No. 4.

Mr. Franklin: I second the motion.

Mr. Chairman: It is moved and seconded that Mr. Webb's minority report be substituted for paragraph 8. Are you ready for the question?

Mr. Webb: Mr. Chairman, I offered this amendment for the reason that it reserves as great an initiative and referendum power to the people of the counties, cities and towns, as it is possible to reserve under the greatest reservation of power held by the state at large. I offer it because it follows practically the language of other initiative and referendum laws, upon which the courts have passed, and I offer it for the further reason that it permits, if in the wisdom of this convention it be deemed best, that a different percentage be fixed for cities and towns.

Mr. Baker: I am opposed to it for this remarkable reason that it says too much and it does not say enough. It is useless to repeat the same verbiage and apply to a town and city as separate from a county, unless you want to extend the constitution here something like the Oklahoma constitution,-thousands of words in it. It is simply writing useless verbiage, and for that reason it says too much. Then again, one paragraph applies to cities and towns; the next paragraph will apply to counties, but the same rule is applied in each single instance, except the blanks for percentage. There is no use of double work of that kind. Why not follow the language of the original proposition; that is, to every county, city, town or other municipality? You save at least one-half a page of writing. Another objection is that it does not go far enough. It falls short just where the gentleman from Yavapai falls short. It does not cover school districts. It absolutely limits it to towns and counties. The school trustees, I again repeat, would have no benefit from the initiative and referendum. They are excluded from this. I contend that the school affairs in a county are important matters to which to apply the initiative and referendum; for instance, as to what kind of school house shall be built, and where. These are things in which the people should have a voice. For these reason I am opposed to the amendment.

Mr. Webb: Mr. Chairman, I want to thank the gentleman for reminding me of that omission. I had already amended my printed copy by interlining to cover that matter, but in making the motion I had forgotten it. I would like to offer the further amendment that in line 12 after the word "town" the words "and all other municipalities" be inserted, and in line 15, after the word "their" the word "local" be inserted. That would cover one objection, and an objection well made by the gentleman from Maricopa. He did me the honor, however, to say that it was the best amendment proposed except his own. (Applause.)

Mr. Chairman: I presume that the gentleman from Graham, having moved that this language be substituted, will accept his own amendment.

Mr. Webb: Yes, he will be glad to.

Mr. Lynch: May I ask a question? This states, "and such counties may prescribe the manner of exercising the initiative and referendum," and in line 14, "cities and towns may provide for the manner of exercising the initiative and referendum power as to their municipal legislation." Does this mean by the county board or the people at large?

Mr. Webb: I would refer to the law which he himself read a few moments ago, which does give to counties in Arizona legislative power, and it must provide by whom they are enacted.

Mr. Lynch: Mr. Chairman, I want to know if this means that the county board of supervisors can make the laws by which the initiative and referendum can be carried into effect, or does it mean the people themselves?

Mr. Baker: Mr. Chairman, I am glad to say that I am still honestly of the opinion that among all of the amendments that have been brought, his is nearer correct than some of the others, but I again impress upon the convention that it is simply a repetition and extension of the matter, separating the cities from the towns; that it is a useless use of words. It is repeating the same thing over again, and you might as well put it in compact form. You will find that done if you will refer to the proposition that I am going to offer, on the last page, or the page before the last, it is expressed in this manner: "Initiative and Referendum powers reserved to the people by this section are hereby further reserved to the legal voters of every city, town and municipality as to all local, special, and municipal legislation." It puts it in compact form and saves one-half page of writing in your constitution. The same provision would be found in the substitute offered by the legislative committee.

Mr. Webb: I simply desire to say that my objection in doing what the gentleman calls multiplying words was to make it possible to fix a different percentage, which thought should be fixed. If in the judgment of the convention the same percentage should be required in towns and counties, I have not the slightest objection to eliminating one of these paragraphs and inserting the necessary words in the first paragraph, but I still hold that a different percentage should be required. I still hold there is just as much reason for a different percentage in towns and counties as there is cities and state. Some of our counties are as large as the territory you would have to travel over to get a lawful petition in the state. I will say that on any matter on which the county has a right to act,-- matters which they have a right to regulate, the board of supervisors may initiate or the people themselves. In other words, I guard their right just as carefully as I would that of the state.

Mr. Baker: Mr. Chairman, one question then. In one county you have, for instance, two cities, one 5,000 and 1,000. Do you think the same percentage should apply to both?

Mr. Webb: Yes, I know of no reason why it should not.

Mr. Baker: It would strike me as being unfair. It would put the whole initiative and referendum system out of joint. The point I want to make is the impossibility of making the distinction.

Mr. Webb: Mr. Chairman, doesn't the amendment proposed by the gentleman from Maricopa contemplate that the same per-

centage shall be fixed, not only in large and small towns, but in the county.
Mr. Baker: That is where the trouble will come.
Mr. Webb: All the propositions here have contemplated that the same percentage should be required either from towns or from cities.
Mr. Chairman: The question is on the adoption of the substitute offered by the gentleman from Graham, Mr. Webb, as amended by him. As many as are in favor of the adoption of the substitute will as the roll is called answer aye; those opposed will answer no. Will the secretary call the roll?
Roll call showed 14 ayes and 38 nays.
Mr. Chairman: The motion is lost. The question now turns on the report of the engire committee. It is moved and seconded that Proposition No. 4 introduced by Mr. Baker as a substitute for substitute Proposition No. 4 be adopted. Are you ready for the question?
(Speech by Judge Baker sent to him, omitted here)
Mr. Winsor: Mr. Chairman, I move the committee of the whole do now arise and report progress and ask permission to resume its session at 2 p.m.
Mr. Ingraham: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Parsons: Mr. President, I move the convention stand at recess until 2 p.m.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION

Mr. President: The convention will come to order. A quorum is present.
The chair will recognize the gentleman from Yavapai, Mr. Goldwater.
Mr. Goldwater: "Phoenix, Arizona, November 4th, 1910.
Mr. President: Your committee of the whole having had under consideration Substitute Proposition No. 4 and amendments, begs leave to report progress and asks leave to sit again at 2 p.m.
Morris Goldwater, Chairman."
Mr. President: The convention will now resolve itself into a committee of the whole, and Mr. Goldwater will resume the chair.
Mr. Goldwater: The committee of the whole will come to order.
Mr. Chairman: The question before the committee is the motion of the gentleman from Maricopa, Judge Baker, to substitute his proposition for Substitute Proposition No. 4, as reported by the committee on legislative department, distribution of powers and apportionment.
Mr. Winsor: While it is understood that I will take up the matter of discussing the proposition and criticisms offered this morning by Judge Baker, and, doubtless, I should do so, I feel that it is a physical impossibility for me to enter into a lengthy discussion of the subject, yet I feel that it is my duty as chairman of the committee on legislation to speak with reference to the criticisms offered by the gentleman from Maricopa, Mr. Baker, for a few moments. The first of his criticisms is directed to the powers reserved to the people, and the difficulty of doing so in the proposition submitted by the committee.

The gentleman from Maricopa, Mr. Baker, criticized the committee proposition because of the details contained therein. I want to plead guilty of the charge. I want so say also if there is any place where we should go into detail in this constitution it is in the matter of the initiative and referendum. All other matters I am in favor of leaving to the legislature and the people. The people have expressed their wish that a check be placed upon the abuses by the legislature and this is our only opportunity to do so. It has been necessary to have some means of checking the actions of the legislature of Arizona as well as other states and this is the very reason for the agitation for the initiative and referendum. It has been caused by abuses and I cannot see why we should not have a reasonably complete and effective initiative and referendum law in Arizona. As far as I know the democratic platform in the last campaign pledged the democratic candidates and many of the republicans that the constitution would contain an operative initiative and referendum law and we have no legitimate excuse to fail in our pledges. In this proposition there is provided an operative initiative and referendum and there is no detail that would work a hardship. I agree with the gentleman from Maricopa that we should cast no reflection upon the representatives of the people, but I am in favor of a measure that will prevent action that will cause reflection upon the legislature, therefore, I am in favor of this proposition. The proposition was taken from statutes of the State of Oregon. It has been called to my attention in the last few minutes that one of the proposed amendments of Oregon is almost identical with that of the legislative committee.

I agree with the gentleman that if we are going to have a proposition that contains these details, that this will still make a safe and operative initiative and referendum, such as the people have declared they want, and such a proposition is the only one worthy of our notice. There is but little difference between the other two we had under consideration, but in this one there is sufficient detail to insure a safe and operative initiative and referendum law, such as I understand the democrats desire put into the constitution. (applause).

Mr. Cunniff: As a member of the legislative committee I regard the statements by Mr. Winsor a sufficient and safe solution of the problem before us. Personally, the only departure we made as advocates of the minority report, when the legislative committee reported, were that the proposition was sufficient and had in its embodyment all that was necessary in Proposition No. 4. Every line has been gone over with the utmost care in every proposition, including the proposition by the committee and the proposition of the gentleman from Maricopa. On examination we find that each has its own merits and demerits but on the whole they are all very much alike. To the joint product we have given the most careful examination to every point. However, in these important questions where there has been a difference, we have not been at all partial to the author or producer, but have considered the merits of all the propositions with the purpose of incorporating the best we found, and with the careful examination and study that has been given these propositions, I am willing to accept this committee report as the best proposition that can be secured and it should be adopted. I can only agree with the gentleman from Yuma with the expectations of the people of Arizona

are that we shall have a safe and operative initiative and referendum, containing such details as will guard our legislatures, and I see no detail of this measure that is unnecessary. I move an amendment to the proposition of the gentleman from Maricopa that this committee report be substituted for Proposition No. 4.
Mr. Jones of Yavapai: I second that motion.
Mr. Chairman: The motion before the committee is that the substitute offered by the gentleman from Maricopa, Judge Baker, be adopted in place of the report of the committee on legislative.
Mr. Cunniff: There was no motion to adopt the committee report.
Mr. Chairman: Mr. Baker's motion means to adopt the committee report which was surely seconded by some member. As to the committee report that should go together with the majority and minority report.
Mr. Baker: Which should go together?
Mr. Chairman: The question comes up on the adoption of Mr. Baker's Substitute for Substitute Proposition No. 4. Are you ready for the question?
Mr. Webb: I rise to a point of information, if not of order. It seems to me the motion is that made by Mr, Baker, which I seconded, that the substitute offered by Mr. Baker be substituted for the committee Substitute Proposition No. 4, for the reason that the committee has one other Proposition as a substitute for Proposition No. 4. The motion should be on the adoption of the substitute for the original Proposition No. 4.
Mr.Baker: My intention wasto amend the report of the committee. The report of the legislative committee offers a substitute for the original Proposition No. 4. I move to amend the report of the committee by substituting my own proposition for the substitute offered by the committee.
Mr. Chairman: The question was on the adoption of the substitute for Proposition No. 4.
Mr. Winsor: It strikes me that this committee cannot substitute any report or proposition. It can recommend that such and such proposition do or do not pass, but it is not for the committee of the whole to substitute. It can only make recommendations.
Mr. Chairman: This committee has a right to recommend that Mr. Baker's substitute be adopted in the place of the substitute by the legislative committee. The question before the committee----
Mr. Webb: Is it in order for me to speak?
Mr. Chairman: It was not really in order, but you have been speaking and I suppose you can do so again.
Mr. Webb: I desire to speak for the sake of having myself understood. I did not succeed in securing a vote on the one I considered was best but I do now want to secure a vote on the next best.
Mr. Chairman: Gentlemen are you ready for the question? the question is on the recommendation of the committee on the substitute offered by Mr. Baker. All in favor of the proposition will answer aye, those opposed will answer nay when the roll is called.
Roll call showed 13 ayes, and 30 nays.
Mr. Chairman: The motion of the gentleman from Maricopa, Mr. Baker, is lost. The next question before the committee is the motion on the adoption of the report of the legislative committee.
Mr. Winsor: I move that the substitute by the legislative committee be amended to strike out paragraph 8 in committee substitute Proposition No. 4, and insert in lieu thereof

the provision contained in the amendment thereto, offered by Mr. Baker, takkng from line 20 on page 4 down to and including the word "municipalities" on line 8 of page 5. Gentlemen, the question is on the adoption of the report of the legislative committee on the Substitute proposition. The motion will be to strike out paragraph 8 in committee substitute proposition No. 4 and insert in lieu thereof the provision contained in the amendment thereto offered by Judge Baker, taking from line 20 on page 4 down to and including the word "municipalities" on line 8, page 5. Those in favor of the amendment answer aye, and those opposed nay, when the roll is called.
Roll call showed 26 ayes and 26 nays.
Mr. Chairman: The motion on the amendment is lost.
Mr. Crutchfield: A number of gentleman did not understand whether Mr. Baker's, the original or the substitute, they were voting on. I understand that there was a misunderstanding as to which of Mr. Baker's propositions was being inserted.
Mr. Chairman: If there are any gentleman who desire to change their vote they may do so.
Mr. Cunniff: I move that the blank on line 9 of Substitute Proposition No. 4 by the legislative committee be inserted by the word "ten, and the blank on line 10 by the word "five."
Mr. Chairman: It has been moved and seconded that the blank in line 9 of substitute Proposition No. 4 be filled by the word "ten," and the blank on line 10 be filled by the word "five". Are you ready for the question?
Mr. Baker: I move to amend the motion of the gentleman from Yavapai that the blank in line 9 be filled by the word "eight" instead of "ten".
Mr. Ellinwood: I move to offer a second amendment that the blank in line 13 be filled with the word "five" and that the blank in line 10 be filled by the word "ten."
Mr. Moeur: In line 9 I want the figure "15" and line 10 the figure "10".
Mr. Orme: I am a little slow of comprehension and I do not want to vote until I understand all of the amendments, or just what we are voting on. I do not understand what we are to vote on now.
Mr. Chairman: The matter before the house is the filling of the blank percentages in Substitute Proposition No. 4. We will take up the amendments in their order. The gentleman from Yavapai, Mr. Cunniff, moved to fill the blank on line 9 by inserting the word "ten", and by filling the blank on line 13 by inserting the word "five." The motion of the gentleman from Maricopa, Mr. Baker, moved to amend that line 9 should read "eight" and that line 10 should read "ten."
Mr. Cunniff: I should like to ask has anybody filled in line 10?
Mr. Ellinwood: I move that line 10 be filled by the figure or word "ten."
Mr. Wills: I move an amendment to that motion that line 10 be filled by the figure "20".
Mr. Cunniff: I should have said line 13, the blank in line 13 should read "five."
Mr. Lynch: I move an amendment that the blank in line 9 be filled by inserting the word "twelve" and the blank in line 13 be filled by the word "eight."
Mr. Cunniff: If in order I would like to ask if there is any motion to fill in line 10? It is premature to take action on line 10 as we have no action on it by the committee, andthis line should not be disposed of until

we have the details of the amendment.

Mr. Baker: As a matter of information, I would like to understand how we are to vote on this. I understand that the figure "8" is proposed for line 9 and figure "12" for the same place, and the figure "5"; we also have 5,8, 10, 12, and also 15. I would like to know as to the method of voting on this question. Gentlemen, I understand that the rule is to commence with the smallest number and so on up the line until all have been voted upon or none adopted.

Mr. Chairman: The question before the house is on filling blank in line 9. Those in favor of inserting the word "five" in line 9 answer aye; those opposed nay.

Roll call showed two ayes and 50 nays.

Mr. Chairman: The motion is lost. The next question is on filling blank in line 9 with the word "eight."

Mr. Baker: I have never had an opportunity to speak on this question which is so important and so vital.

Mr. Chairman: The gentleman from Maricopa may speak.

Mr. Baker: I want to protest against the placing of a high percent. You are going to vote on a most important measure that of the initiative law, and by putting the figure 8 percent on this constitutional measure you are making an 8 percent initiative and a 5 percent referendum. I cannot conceive of any reason why we do not follow the constitution makers of other states. This is the very percentum employed in the state of Colorado, California and Oregon. You mustremember that our state has not the population of the other states. We are scattered from one end of the territory to the other, engaged in mining,farming and various other industrial pursuits, and that our population does not equal in the whole territory the number in even some of our nearby cities like Los Angeles. If you place a high percentage for the initiative you have favored the corporation, the rich, and the wealthy, but the people at large you are sacrificing. Why, take it alone in the southern pacific shops, it would be an easy matter for them to go out and get the percent required, while the people would find it difficult if they were forced to secure the percent you require if you make it a high percent. I think that 8 percent represents the people and anything higher places the initiative in the hands of the corporations, and I beg of you to trust in the people, not the corporations. Do not trust the high percent. If you are going to give this power to the people give them the whole hog or give them none. Give them the hide, tallow, meat and all and the full power of the initiative law, and if you give them the figure at 8 percent you will give them the power that they are crying for; if not the law will be killed so far as the people are concerned. An 8 percentum will give to the people the initiative power and 10 percent will kill it.

Mr. Chairman: Gentlemen, the question comes up on the filling in of the blank in line 9 with 8 percent. Those in favor of the motion will answer aye; those of contrary mind will answer no when the roll is called.

Roll call showed 3 ayes and 49 nays.

Mr. Chairman: Gentlemen the motion is lost. The next motion is on filling the blank in line 9 with the figure 10. Those in favor will answer aye; those opposed nay.

Roll call showed 35 ayes and 16 nays. (Loud applause.)

Mr. Chairman: The motion is carried.

Mr. Chairman: The question now comes up on filling blank in line 13 with the figure 5. Those in favor will answer aye, and those opposed nay when the roll is called.

Roll call showed 41 ayes and 11 nays.

Mr. Chairman: The motion is lost.

Mr. Cunniff: Mr. Chairman, I move you that the committee of the whole defer filling of the blanks in line 10 until such time as it can be amended and that the committee of the whole refer it to the committee on schedule, mode of amending and miscellaneous.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Webb: I move that the committee of the whole do now arise and recommend that Substitute Proposition No. 4 as amended do pass, and that the minority reports on the proposition be indefinitely postponed.

Mr. Winsor: I second the motion.

Mr. Kingan: Mr. Chairman, I care more for what I am going to say now than I do for the manner of expressing it in, therefore I desire to read what I have to say on this question, this great question which is about to be settled here and to which I am opposed.

Mr. Chairman: The gentleman from Pima, Mr. Kingan, may have the floor.

(Speech of Mr. Kingan sent to him and omitted here)

(Speech of Mr. Doe sent to him and omitted here)

Mr. Chairman: Do you want to put in the same thing again?

Mr. Franklin: Yes Sir.

Mr. Franklin: Mr. Chairman, I move a reconsideration of the motion of the gentleman from Yuma, Mr. Winsor, to strike out the words beginning on line 15 to and including the words on line 25 of Substitute Proposition No. 4 introduced by the legislative committee, andinsert in lieu thereof the words beginning on line 20 to and including line 25 on page 4, and the words beginning on line 1 to and including line 10 on page 5 of the amendment to substitute Proposition No. 4 introduced by Mr. Baker of Maricopa.

Mr. Webb: Mr. Chairman, I will say that with the consent of my second I will withdraw my motion for the adoption of the report of this committee.

Mr. Franklin: Mr. Chairman, without that this takes precedence.

Mr. Cunniff: Mr. Chairman, may I ask for information? Is the idea of this in order that we may incorporate the words "and other municipalities?" That was the only difference.

Mr. Chairman: The gentleman from Maricopa will have to repeat that or put it in writing. The chair is not able to follow him.

Mr. Franklin: I move for a reconsideration of the motion of the gentleman from Yuma, Mr. Winsor, to strike out the words beginning on line 15 to and including the words on line 25 on page 8 of substitute proposition No. 4 introduced by the committee on legislative department, and insert in lieu thereof the words beginning on line 20 to and including the words on line 25, page 4 and the words beginning on line 1 to and including the words on line 10 on page 5 of the amendment to substitute Proposition No. 4, introduced by Mr. Baker of Maricopa County.

Mr. Ingraham: Mr. Chairman, I suggest that the gentleman move for a reconsideration of the vote by which the amendment of the gentleman from Yuma was lost.

Mr. Cunniff: Mr. Chairman, I have made a careful examination of this matter and shall simply oppose any such motion as that.

Mr. Chairman: If the chair understands the matter right, the gentleman from Maricopa moves to amend the motion that was lost. What do you want to do, reconsider that and put in something else?

Mr. Franklin: Yes Sir.
Mr. Ellinwood: Is not a motion before the house?
Mr. Chairman: Yes, but the gentleman, as I understand it, withdrew his motion.
Mr. Chairman: It is moved and seconded that the motion to amend Substitute Proposition No. 4, which was lost be reconsidered. All those in favor of reconsidering the motion will answer aye when their names are called; those opposed no. Will the secretary call the roll?
Roll call showed 26 ayes and 26 nays.
Mr. Chairman: The motion is lost,
Mr. Cunniff: Mr. Chairman, I move that this committee arise to report progress, and recommend that this discussion be resumed tomorrow morning as soon after 9:30 o'clock as convenient.
Mr. Jones of Yavapai: I second that motion.
Mr. Chairman: It has been moved and seconded that the committee arise to report progress.
Mr. Webb: Mr. Chairman, I desire to amend the motion to this effect, that we do now arise and report to the convention that Substitute Proposition No. 4 as amended, do pass, and that further consideration of all minority reports on proposition No. 4 be indefinitely postponed.
Mr. Baker: Mr. Chairman, it seems to me that the minority should have a full and complete hearing.
Mr. Webb: I desire to say in answer to the gentleman from Maricopa, that under our rules there is just as much freedom in the convention as in the committee of the whole.
Mr. Chairman: The question is on the adoption of the motion of the gentleman from Yavapai and amended by the gentleman from Graham. The original motion is that the committee do arise and report progress, and ask leave to sit again tomorrow morning, which the gentleman from Graham amends by asking that the committee do arise and recommend that Substitute Proposition No. 4 do pass and that further consideration of all minority reports and other propositions attached thereto be indefinitely postponed. Are you ready for the question?
Mr. Parsons: Mr. Chairman, it seems to me that we have left part of this proposition incomplete. There is no provision with reference to the percentage of votes that should be required. As I understand his motion the proposition would be adopted as a part of our constitution with a blank in it as to the percentage. It seems to me we can ill afford to do that.
Mr. Webb: Mr. Chairman, the question raised by the gentleman from Cochise was disposed of by a former motion. However I presume that my motion should have been changed to the effect that further consideration of the filling of that space be left until another matter which is before the committee be brought up, and be attended to at the same time.
Mr. Chairman: That motion was never put.
Mr. Webb: I would change my motion to this: That the committee do now arise and report back to the house, recommending that further consideration of Substitute Proposition No. 4 be postponed until the committee of the whole has before it, or until such time as is referred to the committee of the whole the report of the committee on schedule, mode of amending and miscellaneous, and that further consideration of the minority report on Proposition No. 4 be indefinitely postponed.
Mr. Baker : Mr. Chairman, I am opposed to this because we are putting this matter off for an indefinite period. We out to settle this initiative and referendum and settle it

at this time and connectively. We have been several days upon the discussion of this matter already, and I am very much in favor of giving the minority in this convention tomorrow a full opportunity to be thoroughly and completely heard.
Mr. Chairman: There is no disposition to prevent discussion. The motion made by the gentleman from Yavapai was that when the committee do arise it do so and so. Anyway the motion of the gentleman from Yavapai is that when the committee do arise it report progress and ask leave to sit again tomorrow. The gentleman from Graham offers an amendment that when the committee does arise it recommend that Substitute Proposition No. 4 be adcepted with the amendments thereto, and that further consideration of the amendment for the purpose of filling the blanks be postponed until the committee of the whole has before it the report of the committee on schedule, mode of amending and miscellaneous.
Mr. Wills: I second the motion in the first place, but there is no second to the motion of Mr. Webb.
Mr. Chairman: In that case the question is on the gentleman from Yavapai's motion that when the committee arise it report progress and ask leave to sit again tomorrow morning. Are you ready for the question? As many as are in favor say aye; those opposed no. The ayes have it.
Mr. Cassidy: Mr. Chairman, I notice there are two blanks on page 8 in reference to the local initiative and referendum, which we have not filled. Is a motion in order to fill these blanks at this time?
Mr. Chairman: A motion is in order if you want to make it.
Mr. Ellinwood: Mr. Chairman, I move you that the committee do arise.
Mr. Feeney: I second the motion.
Mr. Chairman: It is moved and seconded that the committee do arise and report progress. Those in favor say aye; those opposed no. The ayes have it.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Goldwater: Mr. President, your committee of the whole begs leave to report that it has had under consideration Substitute Proposition No. 4, and begs leave to report progress and asks leave to sit again tomorrow morning.
Mr. Baker: Mr. President, I move we adjourn until the regular hour tomorrow morning.
Mr. Osborn: I second that motion.
The motion prevailed.
Convention stood adjourned until 9:30 a.m. November 5, 1910.

JOURNAL, November 5, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain leads us in prayer.
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Minutes read and approved.
Mr. President: Committee of the whole. Gentlemen of the convention, we will now go into the committee of the whole to resume the discussion, of Proposition No. 4, with Mr. Goldwater in the chair.

Mr. Chairman: The Committee of the whole will come to order.
(Speech of Mr. Cooper sent only to him)
Mr. Wood: In answer to the suggestion of the distinguished gentleman from Coconino County, Judge Doe, that we write to our constituents and find out if they will not relieve us from our campaign pledges, I will state that only two days ago I received a letter from a gentleman in Yavapai County relating to this-- a gentleman who is in touch with more taxpayers in Yavapai county than any other man there-- in fact the county treasure of Yavapai county. He comes in touch with every taxpayer either personally or through letter one or more times every year, and knows the feeling of the taxpayers in that county better than any other man. In his letter to me, he wrote among other things the following:

"you do not need any props to hold you stead, but you will be pleased, I am sure, to learn that the people of Yavapai county know that you are honest and may be depended upon under all circumstances to stand by your platform, regardless of all adverse criticism that may be offered by republicans or republican newspapers. You know why you and the rest of this convention were chosen to represent the great majority of this territory. You will live up to your pledges to the letter, and if any greater reward than the satisfaction of duty well done is yours, this will be amply sufficient. No greater reward, in fact, may come to any man."

Now, Mr. Chairman, I personally heard the President of these United States in his speech in Prescott before hundreds of people, in his advice as to what kind of a constitution Arizona should write, say: "Make your constitution as progressive as you wish, but do not legislate therein," and if that is not an answer to whether or not it will be accepted, I do not know what is an answer. (applause.)
Mr. Ellinwood: As I view this substitute proposition as it is now before the committee, it embodies the best initiative and referendum law that I know of now in force, with perhaps one exception. I therefore move to strike out the words on page 6 of the substitute in line 13: "The legislature or" and on page 9 in line 19 and 20 "or any measure referred to the people by the legislature." I find that one of the chief criticisms of the system of referendum - a criticism that is made by all writers who oppose the system - is that this power of referendum ought not to be vested in the legislature itself. The people have the right by petition upon the proper percentage to repeal any law enacted by the legislature, but when you permit the legislative body itself to refer back to the people some law, you have the people passing continually upon laws which ought in the first place to be passed by the legislature itself. Suppose a proposition comes before the legislature and you have in full effect your initiative and referendum, you can by referendum repeal any law that they propose, yet the politician in the legislature, the man who does not want to make a record one way or the other (say on the repeal of the ranger law or a local opinion law); who does not want to go on the record either as opposing it or not will pass it on to the people. We will pass that up to the people. There are hundreds of laws proposed to vote on which member of the legislature feel will impair their records, and they refuse to vote on anything that will disturb their standing condition in

their own locality, so they pass it up to the people. My opinion is that every member of the legislature should be required to vote one way or the other. If a member votes for the law, and it is a good measure, there is no need of the referendum, and you do not have the expense of an election, because the legislature has passed the bill and it is the kind of law the people want. If, on the other hand, the members vote against a good measure, you have the power of the initiative to put it in force and effect. This criticism has been universal in every state where this law is in effect. With this exception this substitute is the best I have as yet seen written in any statute book, and I therefore move this amendment.

Mr. Cunniff: Mr. Chairman, I wish to second the motion of the gentleman from Cochise. If there is one thing we are endeavoring to do, it is to place responsibility on public officers to carry out to the full the idea that public office is a public trust. This matter of permitting the legislature to refer matters to the people is one way for the legislature to get out of responsibility. I heartily subscribe to every word the gentleman from Cochise has spoken on the subject.

Mr. Cunningham: Mr. Chairman, I heartily concur in the amendment offered by the gentleman, and it will be seen by reading on page 6 a little further down in that provision, on line 15, the words 'enacted by the legislature.' I think this change makes the reading of the section better.

Mr. Chairman: The question is on the motion of the gentleman from Cochise to amend this substitute.

Mr. Baker: Mr. Chairman, I do not understand the proposition. I will admit that I never have been in love with the language used by the legislative committee in presenting this matter, and I have never been thoroughly convinced that it is the best language, but I am satisfied if you strike out this right of the legislature to refer a matter to the people, you make a grave mistake. I do not know of a single constitution with the initiative and referendum, but has this exact language, giving the legislature the power to refer to the people. I do not see any reason why we should depart from this position that all others have taken. I do not understand why this legislature should not have the right to refer the matter to the people. They practically do that under local option. The legislature simply refers the matter actually and practically to the people. That is the effect of the local option law, and bond issues, and all other legislation of like nature, and it strikes me that this should remain exactly as it is. I do not understand why the friends of this measure are thus amending, and it will have to be explained to me better.

Mr. Winsor: Mr. Chairman, if I could interpret the provisions of this paragraph as the gentleman from Cochise evidently does, I think I should be compelled to agree with him; he seems to take the ground that the legislature would have the power under this provision to refer matters to the people without the legislature having taken action thereon or the members of the legislature having been compelled to place themselves on the record either in favor or against it. A careful reading of the third paragraph of page 6 shows that the legislature may only refer to the people such measures as shall have been enacted by the legislature. I can really see no objection to giving the legislature the power to refer such matters to the people.

Mr. Ellinwood: Mr. Chairman, it seems to me that the answer to the gentleman from Yuma is the statement itself. If the legislature have acted, why refer it to the people? The people can take care of themselves after the proposition is written as a law. If they have enacted and made it a law, and it is a wise law, there is no reason for the action on the part of the people. If it is unwise, they have the power themselves to repeal it by the referendum. Answering the gentleman from Maricopa that this is written in the several constitutions of other states in similar language, we should recall that the initiative and referendum is of recent origin. That it is written in most of the constitutions is beyond question, but in every constitution where it has been written it has been subject to the severe criticism of the people living under the law and the authors writing on the subject; and this is one of the reasons why the initiative and referendum has beem so much criticized, namely that it fails to place any responsibility on the legislature. I say when you have gotten up a law as splendid as this, we should be progressive enough not to write in our constitution that which is so much criticized in the constitutions of other states. It seems to me you give the legislature under this an opportunity to shirk; the people can take care of themselves, after the legislature has passed a law unwisely.

Mr. Baker: Will the gentleman from Cochise kindly cite me a single book containing this criticism on the initiative and referendum. I have paid close attention to this question for the past five or six months.

Mr. Ellinwood: During the noon hour I will hand the gentleman from Maricopa a volume on the Referendum in America, where this criticism is made on every constitution which has the referendum.

Mr. Ingraham: Mr. Chairman, it seems the position of the gentleman from Cochise involves him in an absurdity. It seems to me to place in this initiative and referendum a provision that five percent of the people may call a referendum and then say that a majority of the legislature representing the entire state shall not have the same power that five percent of the people have, is an extreme absurdity.

Mr. Ellinwood: If they enact the law, they will not have to call the referendum. If it is a bad law, the people will get the five percent.

Mr. Jones of Maricopa: The question of wise or unwise laws might give rise to honest difference of opinion. I can conceive of a legislature being honestly divided on a question, and deem it to be quite proper to have the people decide. I should like to have the amendment defeated.

Mr. Chairman: Are you ready for the question? Call the roll,

Mr. Doe: This is a matter in which I think the majority of the republican members have no responsibility, being as they are opposed to the initiative and referendum being put in the constitution at this time, We would simply be compelled to vote on a matter that is of no consequence to us. It seems to me that the responsibility of this matter should devolve on the majority who favor the initiative and referendum in order that we may not be a disturbing element. What I request is that those who do not care to vote on this question be absolved from doing so.

Mr. Ellinwood: This is the very position you will find

the legislature to be in. (applause) When a measure comes up, they will want to dodge it. (applause)
Mr. Cooper: Mr. Chairman, I do not want to dodge it. I want to vote one everything.
Mr. Cobb: Mr. Chairman, I heartily concur with Mr. Ellinwood's amendment, and I am satisfied that there will be a great many members of the legislature by whom this means of escape would be used. They would refer to the people matters which the legislature could settle, and settle probably satisfactorily to the people.
Mr. Jones of Yavapai: I would like to ask the gentleman from Cochise if this act would prevent the people from passing a constitutional amendment.
Mr. Ellinwood: The committee on amendments will take care of that.
Roll call showed 32 ayes and 20 nays.
Mr. Chairman: The motion is carried.
Mr. Webb: Mr. Chairman, there is in this bill what appears to me is an omission that ought to be corrected. The significance of this has pointed out by the senior member from Maricopa. I think that all who are now in favor of this substitute proposition will endorse this amendment. I move to amend by striking out the word "and" on line 17, page 8, where it first occurs, and insert after the word "county" where it first occurs, the words "and all other municipalities." In line 18, strike out "and" where it first occurs, and add after the word "counties" the words "and municipalities." In line 20 strike out the word "and" and insert after "counties" the words "and other municipalities." In line 25, add after the word "county" the words "or other municipalities," and strike out "or" the last word in line 24.
Mr. Cunniff: I second the motion to amend.
Mr. Coker: I move you further to amend by adding the words on page 8 in the 18th line after the words "counties and municipalities" this amendment: "Provided that said incorporated city, town or municipality less than a county, shall not be controlled in such local matters in its respective limits, by any other larger governmental body in the county or by the count."
Mr. Cunniff: I second that motion.
Mr. Moeur: I object to the amendment of the gentleman from Pinal because I think it works a hardship on the counties, and I hope every member in this convention will vote against it.
Mr. Webb: I wish to say particularly that I believe the last amendment is in direct violation to the pledges made by myself, and nearly all, if not all, the majority members of this convention, in that it defeats local self-government.
Mr. Baker: I would like to say that if this goes into the measure, it defeats the initiative and referendum, and you might as well put it out of the convention hall.
Mr. Jones of Maricopa: In my opinion, the convention would make a serious mistake to put this in the bill. Under it, every count could secede from the state, and each ward in a city could have self-government. It is illogical and un-American, and should not be passed.
Mr. Chairman: Those in favor of the amendment of the gentleman from Pinal will answer aye when the roll is called; those opposed will answer no.
Call the roll.
Roll call showed 37 ayes and 23 nays.
Mr. Chairman: The motion is carried. The question now comes up on the motion offered by the gentleman from

Graham, Mr. Webb, that paragraph 8 on page 8 be amended on lines 17,18, 19, 20 and 25 by adding the words "or other municipality."
Mr. Webb: I desire to say that the purpose of any amendment has been entirely changed and reversed by the amendment which was just made to my amendment. Therefore, I now am opposed to my amendment. I ask for a division of the question. I want it divided at the point where my amendment ended.
Mr. Chairman: The chair rules that the question of dividing the amendment is out of order.
Mr. Ingraham: It seems to me that we have arrived at the very peculiar position that if a county shall vote for a certain police measure it is now up to every town, every school district, every irrigation district, every municipality whatsoever in that county to say "No you don't; not over me." It seems to me this is clearly a question of local self-government, and home rule.
Mr. Colter: It seems to me that we have lost sight of the initiative and referendum, and run it into local option.
Mr. Cobb: I just want to say to the gentleman who are trying to kill local option that they will succeed in killing whiskey in the entire state.
Mr. Feeney: I want to tell the gentleman from Graham County that my vote was not cast for any such purpose. I want absolute home rule in incorporated cities and other municipalities, but this does not resolve itself into a fight on the liquor question. I will not stay under cover, but come out in the open and say that I am against prohibition.
Mr. Roberts: I want to say that this thing will absolutely destroy the will of the majority to rule except in the state as a whole or the smallest district.
Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Graham as amended by Mr. Coker. As many as are in favor of the adoption will answer aye, contrary-minded, no.
Mr. Short: In explanation of my vote I would like to say that these amendments are not what I would like to see, but I am so heartily in favor of home rule that I vote aye.
Roll call showed 26 ayes and 26 nays. (applause)
Mr. Chairman: The motion is lost.
Mr. Webb: Mr. Chairman, I now in good faith again submit the amendment as first offered by me, that we may have an opportunity of voting on that alone.
Mr. Coker: Again in equal good faith I offer my amendment.
Mr. Moeur: I would like to offer an amendment to the amendment that---
Mr. Chairman: The gentleman from Maricopa is out of order.
Mr. Crutchfield: I move that the oommittee arise and report progress, and ask for a further consideration on Monday morning.
Mr. Cunniff: I see no reason for that.
Mr. Crutchfield: I see a very serious reason why we cannot decide this question dispassionately this morning.
Mr. Webb: I second the motion.
Mr. Chairman: Call the roll on the question as to whether the committee shall arise and report progress and ask leave to sit again Monday morning.
Those in favor answer aye; contrary minded, no.
Mr. Cunniff: It is a shame that this initiative and referendum, the most important matter have, should get tangled up like this.

Roll call showed 17 ayes and 35 nays.

Mr. Chairman: The motion is lost.

(Speech by Mr. Crutchfield sent only to him, and omitted here)

Mr. Cunniff: In the first place, Mr. Chairman, I wish to say that there has been no disposition to inject into this proposition the spirit which the gentleman from Maricopa has in the very quiet and placid way stated. Neither I nor those who were favoring this amendment had any such intention. For my part, I have not been desirous of injecting any such spirit, and I deprecate the injection of anything into it; therefore, I most heartily agree with the foundation that the gentleman from Maricopa has laid in his discussion, although I do not agree for a moment with the structure which he has put upon the foundation. Since this matter was discussed by the legislative committee at the first treatment of it, I fought that paragraph step by step from the very beginning for the reason that has become sharper and clearer every day, that it is impossible to tell from that paragraph what it means, and efforts have been made first on one side and then on the other to amend that so that it would mean something --an effort to make that vague and obscure paragraph mean something has lead us into this unfortunate and undignified tangle, because certain delegates have wished to have that changed to mean one thing, and certain delegates, it seems to me, have wanted to have it changed to mean something else. As I have maintained from the beginning, it is impossible intelligently to incorporate a paragraph of this kind into this constitution until we have taken up the subject that is under the care of the committee on counties and municipalities and districts and other subdivisions, so that when we reserve this power of the initiative and referendum to these counties and districts and incorporated cities we may know what we are doing. I submit we are acting absolutely in the dark in reserving certain powers without any idea of what these powers are,--whether powers of legislation, of action, of administration, or what they are, and therefore I am in hearty agreement with the motion of the gentleman from Maricopa that we postpone all consideration of this particular paragraph which has caused all the trouble, until we have considered what the committee on counties and municipalities is bringing in, and any discussion and any debate that may be had on this subject that has been injected into our deliberations what may be had on that matter rather than on this most vital and most important of all points for consideration--the Initiative and referendum.

Mr. Webb: Mr. Chairman, the gentleman from Yavapai has very dispassionately discussed this question, and I agree heartily with him that the wise course to pursue is to leave this question for another time, but a moment ago the gentleman was not so dispassionate. He arose and said that he thought it a shame that this matter had been injected into this question at this time. I agree with that. I think it is a mistake, and the gentleman I think rather implied that I, or those voting the way I say fit to vote, were responsible for injecting it. I think the gentleman will retract that, if such was his intention.

Mr. Cunniff: Mr. Chairman; there was no such intention on my part.

Mr. Webb: Mr. Chairman, as a member of the committee which provided the proposition, I did it in good faith. As interpreted by some members of this convention it might possibly be construed to repeal the segregation law. I insisted that a vote be taken upon that motion. It was divided with a vote of almost or quite three to one. I had no feelings in the matter at all. From that moment it became ancient history, and I had no thought of injecting it into this discussion. The amendment I offered is simply to correct an ommission which I think the most of us grant was an omission, and it was against my wishes that the question that I supposed was settled yesterday should be again injected today. I supposed it was settled satisfactorily to those who voted yesterday. I would now urge that further consideration, at least of the amendment offered to the amendment, be postponed and referred to the committee on counties and municipalities, or held in abeyance until the report of that committee is heard.

Mr. Doe: Mr. Chairman, I believe that I am capable of forming my own mind of this question. I therefore do not care for a committee to formulate for me what my vote shall be. I have always been in favor of the New England system of direct government of small bodies of people. I still favor that. I favor direct government in its most absolute and ultimate form by small communities. I care nothing about the question of prohibition, but I favor the ultimate extent of direct government as applied to small subdivisions upon their direct or local affairs.

(Speech by Mr. Crutchfield omitted here, and sent only to him)

Mr. Cunniff: Mr. Chairman, may I ask what is the motion?

Mr. Chairman: The chair will state right now it seems to have changed since it started. The original motion on which the chair allowed this debate was that the committee arise and recommend that the matter be re-referred to committee No. 6. It now seems to have changed, and it is to be deferred until some other committee makes a report.

Mr. Cunniff: Do I understand the gentlemen withdrew their motions?

Mr. Chairman: The other motion took precedence over the motion to amend.

Mr. Cunniff: Mr. Chairman: I ask permission of the gentleman from Maricopa to amend to this effect, that when the committee arise it report progress and recommend that the paragraph under discussion, paragraph No. 8 of Substitute Proposition No. 4, be postponed--the consideration of it be postponed and put on the calendar of the whole, to be taken up at such time as the committee on counties and municipalities reports. I would suggest that that would include that we go on with the discussion of this initiative and referendum proposition. Will the gentleman from Maricopa accept?

Mr. Crutchfield: I am willing to accept, providing it does not fix with an ironcast rule that we should defer this matter to the will of that committee. They might defer it until an inopportune time, but I am willing if proper consideration is given.

Mr. Cunniff: Would the gentleman accept this amendment if this consideration of paragraph 8 be postponed?

Mr. Webb: Mr. Chairman, as I understand it, the motion is for the consideration of the amendment offered by myself to the amendment offered by the gentleman from Maricopa.

Mr. Cassidy: Mr. Chairman, was the motion of the gentleman from Yavapai seconded?

Mr. Crutchfield: I second it.

Mr. Chairman: The question before the committee is that further consideration of the amendment to paragraph 8 be postponed.

Mr. Cassidy: I want to ask a question of the gentleman who introduced the amendment, Mr. Coker. I would like to ask him whether if a county should vote on the question of issuing bonds and a city in that county should vote against the issuance of those bonds, would the city have to bear any part of these bonds?

Mr. Coker: Bear their proportion of the county taxes.

Mr. Cunniff: The question is on the postponement of the consideration of the amendment to paragraph 8.

Mr. Chairman: The question is on the postponement of further consideration of the amendment to Paragraph 8. Are you ready for the question? All those in favor say aye; those opposed no.

Roll call showed 31 ayes; and 21 nays.

Mr. Chairman: The motion is carried.

Mr. Cunniff: I move you that the committee rise and report progress, and that it recommend that Substitute Proposition No.4 as amended be passed.

Mr. Roberts: I second the motion.

Mr. Webb: I think the gentleman who made the motion will accept as a substitute that the committee now rise and report progress.

Mr. Cunniff: I accept the amendment.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order.

Mr. Goldwater: Mr. President, your committee of the whole begs leave to report progress and asks leave to sit again on Monday.

The report was adopted.

Mr. Baker: I move that the convention adjourn until regular hour on Monday.

Mr. Winsor: I second the motion.

The motion prevailed.

Convention adjourned until 9:30 a.m. November 7, 1910.

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Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will arise while the chaplain offers prayer.

Prayer by chaplain.

Mr. President: The secretary will now read the minutes.

Minutes read and approved.

Mr. President: Reports of standing committees.

Mr. Wood: Mr. Chairman, your committee on Finance has a report to make.

Secretary: (reading) "Phoenix, Arizona, November 6, 1910.

Mr. President: Your committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending Nov. 5, 1910:

Pay roll of Members Nov. 5, 1910..........	$1470.00
Pay roll of Attaches Nov. 5, 1910..........	1166.00
Printing and delivery of 37 Propositions.. Amendments and Substitutes (104 pages) at $2.00 per page	208.00

Proposition No. 78 reprinted 2 pages at $2.00	$ 4.00
Stationery and Sundries, bills not returned but estimated by secretary of Arizona who ordered same at	5.00
Total for week ending Nov. 5, 1910	$2853.00

Respectfully submitted,
H. R. Wood, Chairman,
Lamar Cobb."

Mr. President: If there are no objections the report will be received and approved.
Mr. Short: Mr. President, the Printing committee desires to report that Propositions No. 24 and 18 have been printed and returned.
Mr. Secretary: There is a report of the committee on style, revision and compilation.

Secretary: (reading) "Phoenix, Arizona, November 7, 1910.
Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 68 and respectfully recommends its adoption without change."
M. G. Cunniff, Chairman.

Secretary: (reading) Proposition No. 68 Introduced by Mr. Lynch of Graham County, Relative to Criminal Prosecutions.
Mr. President: The question comes up on the report of the committee on style, revision and compilation. Roll call on the adoption.
Mr. Cunniff: Mr. President: I would like to offer an amendment.
Secretary: (reading) "That in Section 1 at the end of the first paragraph, the following be added: 'Provided, that the judge of the superior court must summon a grand jury on petition of ten percent of the qualified electors of the district under his jurisdiction."
Mr. Cunniff: Mr. President, I move the adoption of the amendment.
Mr. Jones of Yavapai: I second that motion.
Mr. Cunniff: I would like to say that this amendment is not the same as the one we had up the other day.
Mr. Lynch: There is but little difference between the two amendments and the one that was submitted the other day was voted upon and defeated by an overwhelming majority and I cannot see why, or the purpose, of hanging this measure up any longer. It will have to be sent back to the committee on style, revision and compilation and reported again, and this seems to me to be a great waste of valuable time.
Mr. Baker: My objection to the amendment is that too many petitioners will be required to get a grand jury in some of the superior courts; take Maricopa county, it would take 500 voters to call a grand jury. The number is fixed at 100 as the standard in most courts and I do not see any reason for our fixing a higher percent.
Mr. Cunniff: Mr. President, I have an idea that the reason the amendment to this proposition was defeated the other day was because of dissatisfaction over the percentage, and I thought that those opposed to the amendment might change their vote if the percent was changed. For this reason I have offered the amendment,

and I believe that we can secure its passage.
Mr. President: Those in favor of the amendment offered by the gentleman from Yavapai, will answer aye, and those opposed nay.
Roll call showed 20 ayes and 29 nays.
Mr. President: The motion is lost. Now gentlemen the motion is on the adoption of the proposition as reported by the committee; those in favor of the motion answer aye; those opposed nay.
Roll call showed 44 ayes and 6 nays.
Mr. President: The motion is carried. Committee of the whole. We have on the calendar Proposition No. 4. In the absence of Mr. Goldwater, the chairman of the committee of the whole on this proposition, I suggest that the gentleman from Yuma, Mr. Ingraham take the chair. The convention will now resolve itself into the committee of the whole.
Mr. Chairman: The committee of the whole will come to order. What is your pleasure gentlemen?
Mr. Coker: Mr. Chairman, I move the adoption of the following amendment to paragraph 8 of Substitute Proposition No. 4.

"The initiative and referendum powers reserved to the people by this section are hereby further reserved to the qualified electors of every county, incorporated city or town, and school district, as to all local, special and municipal legislation of every character in or for their respective municipalities; provided that said cities, towns, or districts, shall not be controlled in such local or special legislation, by any larger governmental division within the county."

In line 20 strike out words "and counties."
Mr. Jones of Yavapai: I second the motion.
Mr. Crutchfield: Mr. Chairman, I ask for a point of order. A motion has already prevailed in this convention that further consideration of paragraph 8 be deferred or postponed until after the report of the committee on counties and municipalities. By reference to the minutes of the committee I think that will be found true, and therefore this motion is out of order.
Mr. Cunniff: Mr. Chairman, I would like to state that the gentleman from Graham would not have it that way. That was the way I made the motion, but the gentleman from Graham made a point that this amendment be deferred and that is the way the matter went. The consideration of these amendments was deferred. I did not want it that way but that is the way the gentleman from Graham wanted it.
Mr. Crutchfield: Mr. Chairman, I wish to move that the amendment to paragraph 8, offered by the gentleman from Pinal, and also further consideration of paragraph 8, be postponed until after the report of the committee on counties and municipalities.
Mr. Jones of Maricopa: I second that motion.
Mr. Roberts: I would like to know if that cuts out action on the original motion.
Mr. Coker: There was no second to the original motion.
Mr. Chairman: I understand not.
Mr. Connelly: I would second that motion, Mr. Chairman.
Mr. Chairman: Are you ready for a vote upon the motion of the gentleman from Maricopa, Mr. Crutchfield? Those in favor of the motion will signify by saying aye; those opposed No, as the roll is called.
Roll call showed 21 ayes and 29 nays.

Mr. Chairman: Gentlemen, the motion is lost. The matter before the house now is the amendment of Mr. Coker, the gentleman from Pinal.

Mr. Ellinwood: Mr. Chairman, I would like to have that read for my own information. I did not get it very clearly.

Mr. Chairman: The clerk will read the amendment. (amendment read).

Mr. Winsor: Mr. Chairman; I think if we could get typewritten copies of the amendment it would greatly assist the members. We will need them before we can intelligently act upon one or two other matters in connection with this subject. It certainly requires some study and consideration. It is hard to vote intelligently on a matter of such vital importance without having opportunity to study it.

Mr. Jones of Maricopa: Mr. Chairman, this seems to me to be a very important matter, and we do not want to make a mistake. It seems to me that no one can object to deferring this until the typewriters can strike off copies, and let us digest it thoroughly and act on it intelligently. I would move an amendment that the question be deferred until that can be done, and it should be done just as quickly as possible.

Mr. Chairman; Does the motion of Mr. Jones receive a second?

Mr. Winsor: I second the motion.

Mr. Baker: Mr. Chairman, it seems to me like we are packing the way. I fear that this convention is upon the eve of doing something, that they blush at in the future. You are upon the very brink of a chasm. I fear that when you get through with the initiative and referendum law its God-Father would know it. Not a friend of the measure from Maine to Oregon could possibly recognize this affair as belonging to direct legislation at all. (applause) I am not going to speak in opposition to Mr. Coker's amendment because I am a prohibitionist, because everybody knows that I am not. I am not going to speak against it because I am a saloonkeeper, because everybody knows that I am not. The original provisions of this bill have nothing to do with the present existing laws in this territory on the segregation of the cities from the counties--on the sale of liquor. It is simply limited to local legislation of the kind which either the city or the county may have separately under your general laws as passed by the legislature. That is all that is. As it now stands, under the general laws of this territory they are separate, and they will so exist, in my opinion; this initiative bill does not affect that question in any way, shape or form, because as the liquor bill now stands, under the laws of this territory, whether in a special sense or a local matter, it only embraces the counties themselves. The other provision allows the cities to have control of it in their limits. As to the cities, this subject is local, and as to the counties this subject is local, and this amendment only give the respective subdivisions power to act independent of each other on any local or special matter. Hence, I have always voted for it in that light or in that view, Mr. Chairman. Now then, what you are going to write in here? You are going to write in here a statement that no law passed by the legislature hereafter shall give the county the control over the city about any matter at all, and it is absolutely necessary that the county should have control over the city. Numerous instances could be given why the county must necessarily have the power over the cities; not about local option, but about taxation, road districts, this or that thing. You are going to deprive the counties of the power that is recognized by the general law. You would have a segregation here that would tear the two governments asunder, nearly. The original bill is clear and distinct, and this amendment confuses things so that, as I have already said, it would not be six months, if it were such a law, before every member would be ashamed of it. I am opposed to the amendment.

Mr. Jones of Maricopa: I want to appeal in connection with this matter to the democratic members of the convention. The republican members could consistently vote in a matter that would confuse and mullify any initiative and referendum measure we put up. They are opposed to the initiative and referendum. You can tell from the vote that my statement is true, and I want to appeal to the democrats to stand on a measure that is fair and right, and disregard any question of whiskey or Prohibition.

Mr. Curtis: I wish to say, Mr. Chairman, that I am in favor of the initiative and referendum.

Mr. Doe: Mr. Chairman, I would like to ask Mr. Baker one question. Is it your opinion, Mr. Baker, that if this amendment passes it would interfere with the exercise of the powers of county government?

Mr. Baker: I do not quite understand.

Mr. Doe: I am asking you if it is your opinion, as a lawyer, that this amendment would prevent a county from levying taxes for county purposes or for other similar purposes.

Mr. Baker: I so understand, because it says that the county shall not have anything to do with the cities in any way.

Mr. Doe: Then it is your position that a town or city could levy taxes for a city but the county could not levy county taxes.

Mr. Baker: I am afraid the amendment would go to that extent.

Mr. Cunniff: Mr. Chairman, I would like to point out to the gentleman from Maricopa that in the amendment offered the same phrasing is used that was used in the section that is in the substitute report, and that section in the substitute report is word for word (with one or two slight changes by the elimination of unnecessary words and the addition of other words) the very phrasing that was used by the gentleman from Maricopa in his own proposition. It was embodied in this committee's report directly upon the proposition of the gentleman from Maricopa and a word added was a word that was added on motion of the gentleman from Maricopa. The trouble we have got into is due to the steady insistance of putting through paragraph 8, and the trouble with paragraph 8 is that it not only reserves such power as the gentleman from Maricopa wishes to have reserved to counties, but it also adds to counties a power that the counties do not possess today,- at least in the opinion of many members of this convention. (applause) Now, the gentleman has pointed out at times in the committee and, if I recollect correctly, on the floor, that this provision in the bill did not repealthe segregation legislation that has been passed in Arizona. I read Friday evening a decision from a court in Oregon on this very phrasing, in which it stated that the county did have supervision and did control the city, and since that doubt remains about the possibility of a court interpreting this as giving power to counties to control the cities,- so long as this paragraph retains that ambiguity I shall oppose it. The suggestions that have been offered so far to cure the ambiguity have been the suggestions offered by the gentleman from Pinal and one amendment I offered at one time. Those gentlemen who have been supporting paragraph 8 have not supplied any positive method of curing the ambiguity that lies in that paragraph, but it has been a consistent effort to keep that paragraph in there just as it lies.

(Speech by Mr. Parsons omitted here and sent to him)

Mr. Cobb: I move to amend by striking out all of paragraph 8 and inserting the amendment offered by Weinberger, Cassidy and Cunniff, the minority report.

Mr. Lynch: I second the motion.

Mr. Chairman: I would ask Mr. Cobb what was your intention: to amend Mr. Coker's amendment, or to amend the original proposition?

Mr. Cobb: I offer it as an amendment to Mr. Coker's amendment.

Mr. Cunniff: Mr. Chairman, since offering that amendment the other day, signed by Mr. Weinberger, Mr. Cassidy and myself, I have gone over it very carefully and made it clearer and more definite; have added this phrase "or other municipality", which I think was originally suggested by the gentleman from Maricopa, and have made a considerably neater job of this than the other amendment, and therefore I had no intention of submitting any such amendment at this time, but as the gentleman from Graham has submitted the other amendment in its cruder form, I now make a motion to amend by offering this amendment.

Mr. Chairman: Will the gentleman from Graham accept the amendment?

Mr. Cobb: I will withdraw my amendment and accept the substitute offered by Mr. Cunniff.

Mr. Chairman: Does the substitute receive support?

Mr. Lynch: I do not know whether I want to second it or not.

Mr. Chairman: I will ask the clerk to read the amendment.

Secretary: (reading) "The initiative and referendum powers reserved to the people by this section are hereby further reserved to the qualified electors of every county, incorporated city, town, or other municipal legislation in and for such county, incorporated city, town or other municipality which such county, incorporated city, town or municipality shall be empowered by this constitution or by general law to enact; provided that, until otherwise prescribed by law, no incorporated city, town or other municipality smaller than a county shall be subject to any further control or regulation in its local affairs by any larger political division within which it may be included than such incorporated city, town or other municipality is subject to at the time of the adoption of this constitution. The manner of exercising such powers shall be prescribed by general laws except that incorporated cities, towns, and other municipalities may provide for the manner of exercising said powers within the prescriptions of general laws. Fifteen per centum of the qualified electors shall have the right to propose any measure by the initiative, and ten per centum shall have the right to order the Referendum, in any incorporated city, town or municipality."

Mr. Cobb: Mr. Chairman, I did not understand this amendment when I offered to withdraw mine. (applause) If my second did not agree, the amendment which I offered before will stand.

Mr. Cunniff: Mr. Chairman, I would like to ask the gentleman from Graham in what way it differs from the other.

Mr. Chairman: The question before the committee, gentleman,

is the original motion of Mr. Cobb as a substitute to Mr. Coker's amendment to the majority report of the committee on proposition No. 4.
Mr. Bolan: Mr. Chairman, I would like a little light on this subject. I think this amendment as originally read was amended by the insertion of a new line or word. I would like to understand if we are voting on the words added, or on the original as sent to the printer.
Mr. Chairman: Yes, as I understand it. That, gentlemen, as I understand it, is the minority report on page 11.
Mr. Chairman: Those in favor of Mr. Cobb's motion, as their names are called will answer aye; those opposed no.
Mr. Webb: I ask unanimous consent to be excused from voting. Saturday afternoon I received a telegram calling me home on important business, and Mr. Tovrea received a similar telegram. Neither of us liked to leave. We agreed that if either of us were able to get back today that we would not vote, as he was on one side and I on the other. So I would like to be excused from voting, but I ask that the record show that he would vote "no" and I would vote "aye" had we both been present.
Roll call showed 32 ayes and 18 nays. (applause)
Mr. Chairman: The motion is carried. The question now is the adoption of the Coker amendment as it is substituted by Mr. Cobb's amendment.
Mr. Chairman: Those in favor of the Coker amendment, this substitute having been made therefor, will signify by saying aye; those opposed, no.
The ayes have it.
Mr. Winsor: Mr. Chairman, I move the committee of the whole now arise and recommend that Substitute Proposition No. 4 as amended do pass, and that consideration of the blanks left therein be postponed until the report of the committee on counties and municipalities is before the committee.
Mr. Webb: I second the motion.
Mr. Baker: Before that motion is put I would like to make another motion. A vote was taken here on Saturday wherein the right of the legislature was taken away--the right of the legislature to refer a law to the people. The people, in the proposition as it stands now, have a right by the referendum petition to have a law of the legislature referred to them, but the legislature is restricted as to that power.
Mr. Winsor: I withdraw my motion that the committee arise.
Mr. Baker: Upon that proposition I voted in the negative. I desire to move that we reconsider the action in which the amendment offered by Mr. Ellinwood was adopted, being the striking out on page 6 of the majority report of the legislative committee on Substitute No. 4 in line 13, therein the words "the legislature or."
Mr. Jones: I second the motion.
Mr. Chairman: It is moved and seconded that the committee reconsider its action in which the amendment moved by Mr. Ellinwood was adopted, that amendment being, as the chair recollects it, the striking out of the words on page 6 of the majority report of the legislative committee on Substitute Proposition No. 4 in line 13 therein, "the legislature or."
Mr. Baker: Mr. Chairman, I desire to say that so far as I know, every initiative and referendum law passed by the other states up to the present time contain the provision of allowing the legislature to refer a law to the people. I do not understand the reason why when we are following along upon the same lines as the Oregon system,-why we should make a deviation from these lines. I do not think we should take away the right of the legislature to refer

a law to the approval or rejection of the people.
Mr. Ellinwood: I recognize that this question to reconsider is not debatable. I discussed the thing at length on Saturday, and I think the members present understand my views.
Mr. Chairman: The chair will read from the Minutes in order to get before the convention the question: "It was moved to amend substitute proposition No. 4 by striking out on page 6 line 13 the words 'legislature or' and on lines 19 and 20 page 9 the words 'or any measure referred to the people by the legislature,' and that is the motion that you are now asked to re-consider. Those in favor of the motion to reconsider---
Mr. Webb: Mr. Chairman, I think the senior member from Maricopa probably would change his mind if the chair would rule that the matter may properly come before the committee now on a new motion without a motion to reconsider, and that a motion would be in order that the language he desires inserted should be inserted. There certainly is no rule now that would prevent the senior member from Maricopa moving that the proposition under consideration be amended by permitting the legislature to refer any measure to the people.
(Speech by Mr. Winsor omitted here and sent only to Mr. Winsor.)
Mr. Chairman: Those in favor of the motion to reconsider will answer aye those opposed will answer no.
Roll call showed 30 ayes and 21 nays.
Mr. Chairman: The motion to reconsider is carried.
Mr. Webb: That leaves the motion of Mr. Ellinwood that these words be stricken out, before the House. I now ask for a roll call on this question.
Mr. Ellinwood: I will have some data here with which I can probably further enlighten the members on this subject, and I will withdraw the motion, with the consent of my second, and make the motion again at a later date.
Mr. Cunniff: I withdraw my second.
Mr. Chairman: Mr. Ellinwood, the chair is in doubt whether you have the right to withdraw the motion to amend.
Mr. Ellinwood: The motion has been withdrawn with the consent of the gentleman who seconded it.
Mr. Winsor: I renew my motion that the committee do now arise and recommend that Substitute Proposition No. 4 as amended do pass, and that the blanks left therein be filled on the report of the committee on schedule and Mode of amending.
Mr. Cunniff: I second that motion.
Mr. Webb: I simply desire to suggest that the Secretary be careful to show that the motion of Mr. Ellinwood prevailed on Saturday, that it has not been voted down today, and that the report of the committee of the whole to the convention did not include it in any way. I suggest that the record be made clear that the motion prevailed and was not reconsidered.
Mr. Chairman: Gentlemen, the question before the house is that the committee do now arise and report that Substitute Proposition No. 4 as amended do now pass leaving the blanks to be filled after the report of the committee on schedule and Mode of amending. Those in favor of the motion will signify by saying aye; those opposed will answer nay. Call the roll.
Roll call showed 40 ayes and 10 nays.
Mr. Chairman: The motion is carried.
Mr. Cunniff: Is there any other business before this committee?
Mr. Hunt: I move the committee of the whole do now arise.

Mr. Simms: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Ingraham: (reading) "Phoenix, Arizona. Nov. 7, 1910.
Mr. President: Your committee of the whole begs leave to report it has examined Substitute Proposition No. 4, and respectfully recommends that same be amended by substituting for the eighth paragraph thereof the minority report upon said proposition appearing on page 11 of the printed report of the committee on legislative department, same being signed by Cunniff, Weinberger and Cassidy.

That the amendment of Mr. Ellinwood to said substitute proposition No. 4 striking out the words in line 13, page 6, "the legislature or" and in lines 19 and 20 on page 9 'or any measure referred to the people by the legislature' was reconsidered, after which Mr. Ellinwood withdrew said amendment with the oonsent of his second.

The committee of the whole further reports, and recommends that substitute proposition No. 4 as amended do pass, the blanks therein to be filled upon the report of committees on schedule and mode of amendment and miscellaneous, and counties and municipalities.

Fred L. Ingraham, Chairman."

Mr. President: Gentlemen, what will you do with the report of the committee of the whole?
Mr. Cunniff: I move that the report be accepted.
Mr. Webb: I second the motion.
Mr. President: All those in favor of the motion will answer aye; those opposed nay. The ayes have it, and the motion is carried. Shall the proposition be engrossed and have a third reading? Call the roll.
Mr. Winsor: It is rather late to raise such an objection, but there are certain blanks to be filled which will prevent its engrossment.
Mr. Cunniff: I would like to say that the committee on style, revision and compilation will not do anything to the blanks, and it will expedite matters to pass it, and have it engrossed.
Roll call showed 42 ayes and 9 nays.
Mr. President: The motion is carried. Second reading of propositions.
Mr. Osborn: I move that we adjourn until 9 o'clock tomorrow morning.
Mr. Sims, R.B.: I second the motion.
Mr. President: All in favor of adjourning answer aye; all opposed no. The motion is lost.
Secretary: (reading) Proposition No. 134, introduced by E. A. Tovrea, of Cochise relative to private corporations.
Mr. President: Second reading of the proposition; referred to the committee on Labor.
Secretary: (reading) Report of committee on Federal Relations on Proposition No. 2.
Mr. Cunniff: I move that the report be put on the calendar of the committee of the whole, and come before that committee tomorrow.
Mr. President: It is so ordered.
Mr. Winsor: I move that when the convention take a recess it be until 7:30 p.m.
Mr. Jones of Maricopa: I second the motion.
Roll call showed 16 ayes and 36 nays.
Mr. President: The motion is lost.
Mr. Ellinwood: I move we take a recess until 2 o'clock this afternoon.
Mr. Webb: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. Petitions, Memorials, and remonstrances.

Secretary: (reading) "Whereas it has been brought to the attention of the common council of the city of Phoenix through the public press that the Constitutional Convention now in session at the territorial capitol in this city are considering the so-called initiative and referendum provisions of the proposed constitution for the future State of Arizona.

AND WHEREAS, the Common Council of the City of Phoenix feels that a great injustice will be done the citizens and taxpayers of the City of Phoenix if said Constitution is so framed as to give counties control over matters purely affecting local affairs of any city, town or other subdivision, adhering to the doctrine that in all matters distinctly of a local nature, the people resident therein and bearing the burdens of government thereof should control, and not non-residents and non-taxpayers, and as the governing body of the City of Phoenix we resent the idea that any person because hehappened to be a resident of Maricopa County; although perhaps residing fifty miles distant from the City of Phoenix and knows nothing, or worse still, does not care anything whatsoever, about our local needs or conditions telling us what we must, or must not do or have;

AND WHEREAS the Common Council believe that in justice to the City of Phoenix and its governmental welfare that it should take this means of expressing its protest against county control of its local affairs to the Constitutional Convention, Now, Therefore,

THE COMMON COUNCIL of the City of Phoenix, do now resolve as follows:

That it is the sense of this body that it is unqualifiedly opposed to any provision being inserted in the proposed constitution for the future State of Arizona which in any manner extends the control by counties of matters purely affecting local affairs of cities.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered, by the City Recorder, to the President of the Constitutional Convention now in session at the Territorial Capitol in the City of Phoenix with the respectful request that the same may have the immediate consideration of the said Convention.

Passed by the Common Council of Phoenix, this 7th day of November, 1910.

Lloyd B. Christy, Mayor.

ATTEST: Frank Thomas, Recorder."

Mr. Jones of Maricopa: I move that it be referred to the committee on Military Affairs.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. President: Third reading of propositions.

Mr. Ellinwood: I move that we now adjourn. Mr. Parsons: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a.m. November 8, 1910.

JOURNAL, November 8, 1910. 9:30 a.m.

Mr. President: The convention will come to order, and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will please rise for prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. Winsor: As Major General Thomas is present and he has promised to not do any lobbying I move you that the rules be suspended and that he be granted the privilege of the convention hall.
Mr. Ingraham: I second that motion.
The motion prevailed.
Mr. President: Reports of standing committees.
Mr. Cunningham: Mr. President, the committee on judiciary have some reports to make.
Mr. President: The secretary will please read the reports of the committee on judiciary.
Mr. Cunningham: The committee on judiciary will report on Substitute Proposition No. 82, and also minority report on Proposition No. 69.
Mr. President: If there are no objections it will come up in the regular order of business before the committee of the whole.
Secretary: (reading) Report of committee on judiciary on Proposition No. 82.
Mr. Weinberger: Mr. President, I move that Proposition be referred to the Printing Committee and 500 copies ordered printed.
Secretary: I have here a Substitute Proposition also.
Mr. Winsor: I do not think the committee intends to take that course, for if Proposition No. 82 were indefinitely postponed it would carry with it the substitute and all the minority reports, and I think that they intend to have the Substitute No. 82 to come in lieu.
Mr. Cunningham: This is the desire of the committee.
Mr. Winsor: Then I think the proper motion to make would be to adopt the Substitute Proposition in place of Proposition No. 82.
Mr. Cunningham: Mr. President, I move that Substitute Proposition introduced be adopted in place of Proposition No. 82.
Mr. Bradner: I second the motion.
The motion prevailed.
Mr. President: Committee of the Whole. Gentlemen, the convention will now resolve itself into the committee of the whole to consider Proposition Nos. 2 and 18 and the majority reports and the minority reports offered to the convention. The gentleman from Yuma, Mr. Short, will take the chair.
Mr. Chairman: The committee of the whole will please come to order. The order of business will be the consideration of Proposition No. 2.
Mr. Webb: There has been one more question raised as to the advisability of defining the boundaries of Arizona in our constitution, but I believe it should be done. In looking over the state constitutions I find that many state constitutions have included the boundaries. As it is now very difficult to define the boundaries of Arizona and has taken much work to search them out in the Surveyor-General's office I think that they should go into the constitution, and when the committee of the whole arise I move that the report of the federal committee have a

third reading and be placed upon its final passage.

Mr. Ellinwood: For the reason that it will make the constitution so cumbersome and also from the fact that only twenty-one out of all the states have their boundaries in their constitutions and since we cannot take from nor add to one square inch I think that it is useless to include such matters in the constitution as will have no effect and be of no benefit at all.

Mr. Baker: I do not understand the gentleman from Cochise. You say that alone embraces that which the state would not be entitled to.

Mr. Ellinwood: I say that including the boundaries in the constitution does not add to nor take from the boundaries but that it is merely a declaration.

Mr. Baker: I am in favor of including this proposition in the constitution for the reason that after a careful examination of these boundaries, and since finding them as they are now as being satisfactory, that we should set forth the same in our constitution and since they are not available to the public in any other way, I believe that they should be in the constitution in order that the people of this state should have them at their service at any time. I second the motion of the gentleman from Graham, Mr. Webb.

Mr. Chairman: Gentlemen, you have heard the motion, those in favor of the motion say aye; those opposed nay. The ayes seem to have it. The ayes have it. The motion is carried.

Mr. Chairman: The next question before the committee is the consideration of the report of the committee on Proposition No. 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

Mr. Baker: I move that further consideration of this proposition be postponed until we have an opportunity to study this matter, and Mr. Chairman, I further move that it be made a special order of business on Thursday morning.

Mr. Osborn: I second that motion.

Mr. Baker: I would state that my reason for making this motion is that I do not believe that this convention is ready to pass upon so important a matter without further concurring with one another and I do not think that we are prepared to pass upon it this morning.

Mr. Cunningham: Mr. Chairman, it seems to me that this matter is so important that it should not be postponed, and too if we are ever going to act upon it we should do it now and not be continually postponing matters. This report was printed and returned on Saturday and if we do not consider it now, I would like to know when we will so long as this fair lasts. What are we going to do? We should have no delay in these matters and here we have been postponing matters in this convention hall until we have but very little accomplished in the real work of such matters as come before the convention or committees of the whole, and I say if we are ever going to do anything let us do it now. There will be other fairs, or at least, we hope so, and I can see no sense in postponing such important matters for anything of that kind. We are here for business and I urge that we act upon this matter now.

Mr. Baker: I am glad that the gentleman feels as he does with regard to this subject. If there has been any delay it has been on his part, for is he not one of the chairmen on committee work? I have never been to the fair myself, and do not know when I shall go, and it is not my desire to have the question postponed for the purpose of going to the fair, but simply because I think that we should confer with one another before taking any further action on the proposition.

Mr. Parsons: I agree fully with my colleague, Mr. Cunningham, with respect to getting down to business on all matters coming before the committee of the whole, or the convention, as far as possible, but in this matter I agree with the gentleman from Maricopa, Mr. Baker, as I feel that we should confer with one another, and until we do, we are not ready to pass upon the proposition. For this reason I move we adopt the motion offered by Mr. Baker, and I think that this proposition will without doubt bring forth as much oratory as did the proposition on the initiative and referendum, and I think it should, therefore I feel certain that we are not ready to discuss the matter as it should be.

Mr. Cunningham: I do not wish to speak to a question of special privilege before this committee, but I have been arraigned by the gentleman from Maricopa, and I desire to say that I have always been on hand and ready to do the work of the committee, of which I am the chairman, and the only reason why we have been delayed in our work is because we have been unable to get a quorum present, and it is not a subject for discussion upon this floor; at the present time, but it is certainly a fitting time to act upon the proposition reported here for the committee of the whole this morning.

Mr. Chairman; As soon as it was learned that the salary of the judges was fixed then there arose the question of having the matter postponed, and the question of the salary of the judges is the sole reason for this action. Now, Mr. Chairman, I see the necessity for taking action this morning and not delaying matters any further, and I urge that we do not waste any more time. We have been dilatory enough and when there is an opportunity to work I think that we should work. There has been much said as to the courts and their postponement of cases and they have been arraigned in this convention hall on account of dilatory action upon cases. I have been pressed by my clients when such action was deferred and I have never considered that the courts were wrong in so doing, and it is just so in this case, I think that all wilful dilatory action should be arraigned in this convention hall, therefore, I do insist that this be not postponed for Thursday morning, but that it be considered right now, this is the time to pass upon it.

Mr. Chairman: The secretary will call the roll, and those in favor of the motion of the gentleman from Maricopa, that this proposition be made a special order for Thursday morning, will answer aye; those opposed will answer nay.

Roll call showed 20 ayes and 28 nays.

Mr. Chairman: The motion is lost. What is your pleasure?

Mr. Parsons: I would likethe report read again.

Mr. Chairman: The secretary will please read the report for the benefit of the gentleman from Cochise.

Secretary: (reading) Report on Substitute Proposition No. 18 of Executive Impeachment and Removal from Office Committee, and minority reports.

Mr. Weinberger: Mr. Chairman, I move you that the majority report be adopted.

Mr. Osborn: Mr. Chairman, I second the motion.

Mr. Cunniff: Mr. Chairman, I move to substitute the minority report of H. R. Wood and Albert M. Jones and that it be adopted.

Mr. Jones of Yavapai: Mr. Chairman, I second that motion.

Mr. Cunningham: I move that the minority report offered

by myself be adopted.
Mr. Coker: I second that motion.
Mr. Chairman: It has been moved and seconded that the majority report be adopted, and amended to read that the minority report offered by Mr. Wood and Mr. Jones, be adopted. Are you ready for the question?
Mr. Jones of Maricopa: Is this the vote on the amendment to the amendment?
Mr. Chairman: The first vote will be on the minority report offered by Mr. Cunningham.
Mr. Webb: The only objection I have to the report of the gentleman from Cochise is that it is only a skeleton, Seriously and candidly, I cannot see how we are to redeem our pledges if that report is adopted. If there is any time that we can go into the details on legislative matter it is in the Proposition of the recall, and I say that we should legislate on this matter and let us go into the details if necessary and give to the people just what they are anticipating. To give them what they are expecting means that we must legislate.
Mr. Weinberger: I will say that the majority report of the committee reproduces the Oregon recall almost verbatim, the only present available recall, and I believe all the members are familiar with that recall. The proposition is brief and we have not gone into details to any great amount, much being left for the legislature. The proposition provides for a petition and for an election of a successor. If we do not adopt this proposition we cannot have a recall as contemplated by Mr. Cunningham for it is not sufficient in any part as to the legislative portion that it embraces.
Mr. Cunningham: I think the answer to the question raised by the gentleman from Graham is had in the explanation of the gentleman from Gila. The gentleman from Gila says the minority report would require considerable legislation before it could be operative; secondly the gentleman frm Graham thinks that it would require much legislation, which the convention should supply before it could be operative. Now, Mr. Chairman, and gentlemen, of the convention, the report of the majority of the committee requires this: One of the signers of each sheet of the petition must take an oath before some officer competent to administer oaths, swearing that the statements therein made are true and that the signatures are true. This proceeding is neither practicable nor possible, and to get the petition properly before the people this would not be at all probable. Now can you recall if the provisions are that every sheet must be sworn to before an officer? You cannot do that. It is nothing more or less than to have the effect. The chances are that the sheet would contain twenty names. You could not put this into the hands of the public unless the names and signatures were true. You would never get around a proposition of that kind. As far as the conditions of line 12 we have this provision: (reading)..................................
Unless the names were printed thereon I do not believe that anyone would read it and this would not be a practicable method of getting the matter before the public. It seems to me that it is entirely out of the question and absolutely no good, and I am opposed to that kind of a recall. If the reason given by the gentlemen that they are so desirous of fulfilling their pledges and are willing to give unto the people any sort of a recall that places it out of the hands of the people altogether, it is just like two old romans who posted up their laws so high that it could not be read and then they were subject to the law when

they could not even know the law. This is not an honest process of the law, therefore if you desire to carry out your pledges, gentlemen, you must give them a practical law or you can never have a recall. The provisions are such that anyman cannot get the matter before the people. The provisions that I have offered are not perfect, and I do not think that it is possible to get a perfect law. If you can have a self-executive proposition so it will be operative without legislation that is the measure to adopt. The next best is to get a constitutional provision that will place limitation upon the legislature. Place such limitations only as will insure the people safe legislation without any abuses of their authority, and such is the proposition that I have offered. You have heard it stated that the proposition offered by the majority of the committee follows the Oregon plan. I would take time to read it but I am sure all the members are familiar with it as it is much quoted here. Now, gentlemen, take the Oregon Constitution, there you will find provisions as near as possible as can be put into one offered as a substitute. It limits in just the same manner as the Oregon Constitution limits, (reading) The Oregon place the limit at 25 percent while my proposition places the limit no less than 25 percent and it can be made higher if we choose to make it so, and that is the one great point that seems to make it more practicable than any other submitted.

Mr. Parsons: My colleague has called attention to the very feature of this amendment that I want to object to, because it is in direct violation to the principles enunciated in the Cochise county platform, which provides: "Believing that all officers should be responsible to the voters who choose them and that no man should hold office after he fails to represent the sentiments of his constituents, we favor the recall of delinquent officers on twenty-five percent." This limits and fixes it at twenty-five per cent, but the gentleman says his measure is a better one than the one introduced by the committee, which complies with our platform, which says it shall not exceed 25%. By opposing it, he goes directly contrary to the instructions we received when we were delegated to come here, and for this reason alone I am opposed to the adoption of his proposition.

Mr. Webb: I am free to confess that I do not think any of the three propositions are the best possible. I was frank and fair in desiring to postpone this that we might be given an opportunity to propose some amendments, and I think we all might take a few moments to look at our respective platforms. The gentleman has a peculiar way of answering my remarks, by referring to the remarks of the gentleman from Gila County, which were not directed at that. I am not advocating the majority report, which is even worse than Mr. Cunningham's proposition. The most objectionable of all is the majority report; the least objectionable is the one signed by Mr. Wood and Mr. Jones. However, there are things in connection with all that I would like to see changed. I have not had the time, or at least have not taken the time, to prepare the amendments I would like to propose, and for that reason I now desire to renew the motion that this be made a special order for the committee of the whole. I think it is a wise course to take. I think by that time we will all have given it sufficient attention so that we will each have one proposition that we think is perfect. As to the arguments that the people cannot get the relief desired, if the legislature can do it, cannot we do it? I am not intimating that the future legislatures will not be as efficient or honest as we are, but the majority of us are pledged to do this in such a way that it will be self-operative, and I say we will fail in our duties if we leave this for future legislatures to do. No matter how you may bind them round with restrictions, it is possible to juggle language so that they can evade its effect.

Mr. Cunningham: I do not intend to argue the question now, but referring to the remark of the gentleman from Graham I trust I did not make myself understood to the gentleman of this convention as to state that the gentlemen of this convention could not draw any kind of a provision. I meant to be understood that the committee that has made its report here seem to be unable to agree upon or draw a proposition that met the requirements demanded, not that this convention could not do so, but the committee has failed to do so, I would not slander the members of this convention, and especially the gentleman from Graham.

Mr. Cunniff: I notice in the remarks of the gentleman from Graham he said he had not taken the time, although he had it. It seems to me that this is the situation that all of these delegates are in, who are desiring still further to postpone this in order to confer more fully on the matter. This matter now before us did not go on the calendar of the committee of the whole on the day succeeding its return from the printing committee, but was postponed still further and made a special order for today, in order that ample time might be given for any study or conferring that are necessary. Now after the matter comes up as a special order, the members ask for a postponement. It seems to me everybody in this convention who is doing his work industriously and faithfully has had ample time to study this and should be ready to take up as special order, thoroughly prepared to vote as he desire, and make whatever amendments he wishes. Therefore I shall oppose the postponement.

Mr. Chairman: Gentlemen, I am under the impression that a motion which has already been voted down, cannot be made again unless some business has intervened and then disposed of. If I am wrong, I would be glad to know it.

Mr. Webb: Technically, the statement of the chair is correct but it is never in force if the chair has reason to believe that the motion is made in good faith, and I maintain now that I make it in good faith, because I believe the best interest of all of us demand that we should take a little time for consideration of this question. I believe otherwise a large part of the time will be wasted in idle discussion, as it has been this morning, for very few of us know what we want.

Mr. Chairman: Does the gentleman from Graham mean that the discussion has been idle on his part as well as the others?

Mr. Webb: I am afraid it is, unless this matter is postponed.

Mr. Moeur: If this is put off it will still be idly discussed. Let us get through with it. If we wait, we will find on Thursday there will be forty amendments to this, and every man will have a proposition of his own. (applause)

Mr. Ellinwood: I am opposed to this motion, for the reason that the place to concur is right on this floor. I am opposed to caucuses. You have now the members of this convention together, and if there is anything to be done, let it be done right here on the floor. I shall

vote against the measure.
Mr. Baker: I should like to ask if the gentleman is not opposed to the recall.
Mr. Ellinwood: As to the recall of judges, I am opposed; but as to the recall of executive officers I shall vote for it.
Mr. Chairman: Are you ready for the question? All in favor of the motion will answer aye when their names are called. All opposed no.
Roll call showed 25 ayes and 22 nays.
Mr. Chairman: The motion is carried.
Mr. Webb: If I am right in supposing that completes the matter on the calendar of the committee of the whole for today. I move that the committee arise and report progress, and ask leave to sit again.
Mr. Osborn: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. Short: Mr. President, Your committee of the whole desires to report that the committee having had under consideration Proposition No. 2recommends that the report of the committee be adopted, that it have a third reading, and do pass; Proposition No. 18, and recommends that the same be postponed and made a special order for the committee of the whole on Thursday." I move you that the report of the committee of the whole be adopted.
Mr. President: Gentlemen, of the convention, shall the committee of the whole report on Proposition No. 2 be adopted? The ayes have it, and it is so ordered. Shall it be engrossed and have a third reading? All in favor answer aye; those opposed no. The ayes have it, it is so ordered. Shall the report of the committee of the whole that substitute for Proposition No. 18 be deferred until Thursday morning be accepted? All in favor answer aye; all opposed no. The ayes have it and it is so ordered.
Mr. Bolan: I move the convention stand adjourned until 9:30 tomorrow morning.
Mr. Webb: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 a.m. November 9, 1910.

JOURNAL, November 9, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Minutes read and approved.
Mr. President: Committee of the whole, Gentlemen of the convention, proposition No. 69 is on the calendar for the committee of the whole. The convention will now resolve itself into a committee of the whole, and I will call on the gentleman from Cochise, Mr. Feeney, to take the chair. (applause)
Mr. Chairman: The committee of the whole will come to order to consider Proposition No. 69.
Mr. Webb: I move that the committee of the whole do now arise and report back to the convention that it has examined

proposition No. 69, and recommend that the report of the committee be adopted and Proposition No. 69 be indefinitely postponed.
Mr. Cobb: I second the motion.
Mr. Winsor: If that is done, if I understand the rules, it will be pretty late in the session to leave this convention without a bill covering this subject. It will have to be reintroduced if Proposition No. 69 is indefinitely postponed.
Mr. Cunningham: I think-----
Mr. Chairman: Mr. Winsor still has the floor.
Mr. Winsor: I should like to hear what Mr. Cunningham has to say, but I want to finish. I would like to know if it is the desire of the committee that we postpone indefinitely the proposition providing for the court system.
Mr. Webb: I think the misapprehension of the gentleman from Yuma is this: That the committee intended to offer a substitute, whereas they are recommending one bill covering this matter.
Mr. Chairman: Gentlemen, you have heard the motion.
Mr. Jones of Maricopa: I do not like to see any proposition sidetracked until we can have the other propositions pertaining to the same subject before us, and the recommendation of any committee to indefinitely postpone a proposition until we have a substitute proposition before us with which to make comparisons we cannot vote on this intelligently.
Mr. Chairman: You have heard the motion.
(speech by Mr. Crutchfield omitted here and sent to him)
Mr. Chairman: The chair begs leave to state that the resolution is on. (applause)
Mr. Webb: Mr. Chairman, I want to say that I am in hearty sympathy with part of the remarks of the gentleman from Maricopa, but I can conceive of no reason why we should cumber our records here with this entire proposition No. 69 consisting of 22 sections, when the gentleman favors nothing more in the proposition but the spirit of the 22nd section. Now, the fact that we indefinitely postponed this does not prevent the gentleman from Maricopa or any other gentleman, amending the proposition which has been recommended by the committee at any time. It may be amended and the matter that the gentleman advocates may be incorporated in it at any time, so I can conceive of no reason why we should encumber our records with this entire proposition.
Mr. Moeur: I do not think we can consider the proposition until we have a substitute for it. I shall vote against the postponement of this proposition until we have a substitute for it.
Mr. Chairman: The chair begs leave to state my sympathy is with the gentleman from Maricopa. We can always get the letter but we cannot get the spirit.
Mr. Cunniff: Mr. Chairman, I move to amend the motion that is before the House, that this be postponed until such time as we have a report of the judiciary committee before us.
Mr. Jones of Maricopa: I second the motion.
Mr. Cunningham: Mr. Chairman, it is immaterial to me whetherwe postpone it just now or not, until the other bill is considered, but I would like to call attention to the fact that the gentleman from Maricopa considers a judiciary committee sufficient to provide against the ignorance and superstition upon the part of men in dealing with these questions. Now, they are not sufficient to do that. They cannot make provisions to prevent men from making errors, or prevent them

from being ignorant, nor can they make provisions here that would prevent judges from making mistakes, and they cannot prevent courts or juries, or others, from taking action that would cause some to seem injured, but they can submit a proposition, and they think they have submitted a proposition that willgive the State of Arizona a clear, clean-cut judiciary. So far as the postponement is concerned, I have no particular personal objection to postponing it until the other matters can be considered in connection with it, but I think the gentleman's remarks concerning the ability of this committee to make a proposition here that would prevent any error is more than this committee is expected to do in this matter.

Mr. Crutchfield: I do not know that the judiciary committee is infalible or omnipotent, or allwise; on the other hand, there is an absolute necessity for something being done in this respect. I am perfectly willing to vote for the amended motion that this matter be postponed until the full report is in hand but I cannot vote for indefinitely postponement.

Mr. Short: Mr. Chairman, I think the idea of the gentleman from Maricopa is all right, but I believe the better plan to facilitate the matter of the convention would be to indefinitely postpone this and allow the gentleman from Maricopa, or somebody else to retain this in mind and offer it as an amendment to Proposition No. 82. I think the idea is all right, but I believe we will facilitate our work to dispose of the entire proposition, which is a long one, and take this up as an amendment.

Mr. Lynch: I am in hearty accord with the gentleman from Yuma, Mr. Short. The proper way is to bring this section 22 up as an amendment to the Substitute bill that has been presented by the committee. I want to call the attention of the gentleman from Maricopa to the fact that he was a member of the judiciary and if he did not concur in Section 22 he might have brought this matter to the attention of the committee and had it voted upon by the judiciary committee. There are some questions with reference to it that need the attention of the convention.

Mr. Crutchfield: I did present the matter to the committee one of the many times when the gentleman was not present.

Mr. Lynch: My recollection of the meetings is that I have been present nearly every session. I might have missed one when the gentleman from Maricopa was there. I very rarely saw him there. As I see this section it simply means that if the supreme court finds error it may amend it. Practically the entire Section is covered by our statutes, but I believe it had better be brought up by amendment to the judiciary proposition, and that this be indefinitely postponed now. It does not affect the status of Section 22 now.

Mr. Cunniff: It does not make the difference of "tweedle-dum or tweedle-dee"whether we postpone it now or not.

Mr. Chairman: You have heard the motion--the amendment to the motion, that it be postponed until a substitute is brought before the committee of the whole.

Mr. Webb: It does not make this difference, if you please. If we are going to postpone it, why not postpone it while it is before us, and any part they want to incorporate in the other proposition can be done at the proper time.

Mr. Chairman: All those in favor of the amendment to postpone until such time as the report of the judiciary committee is under consideration of the committee of the whole will say aye; those opposed no, as the roll is called.

Roll call showed 17 ayes, 28 nays.

Mr. Chairman: The motion is lost. The original motion to indefinitely postpone will come before the committee. Are you ready for the question? All those in favor of the motion to indefinitely postpone will signify by saying aye; those opposed no. The ayes have it.

Mr. Webb: That motion included that the committee arise and report to the convention that they had considered Proposition No. 69 and recommended that the report of the committee be adopted, and proposition No. 69 be indefinitely postponed.

The President resumed the chair.

Mr. President: The convention will come to order.

Mr. Feeney: Mr. President, your committee of the whole begs leave to report that it has had under consideration Proposition No. 69 and respectfully recommends that the report of the committee on judiciary be adopted and Proposition No. 69 be indefinitely postponed.

Mr. Cunningham: Mr. President, I move the report of the committee of the whole be adopted.

Mr. Roberts: I second the motion.

The motion prevailed.

Mr. Weinberger: Mr. President, I would like to revert to the reports of standing committees.

Mr. President: If there is no objection we will refer back to the reports of standing committees. So ordered. Read the report, Mr. Secretary.

Secretary reads report.

Mr. Cunningham: I move that the substitute Proposition of the committee be referred to the printing committee and the usual number of copies be printed without printing the original proposition.

Mr. Webb: I second the motion.

The motion prevailed.

Secretary: (reading) Proposition No. 62.

Mr. President: What is your pleasure, gentlemen? Do you want that printed?

Mr. Short: I move that 500 copies be ordered printed.

Mr. Webb: I followed just as closely as I could, and it eliminates some unnecessary parts of the original. Personally I have no desire to have it printed, and would favor it going on the calendar of the committee of the whole tomorrow for consideration.

Mr. Jones of Yavapai: I agree with the gentleman from Graham that it is not necessary to print that proposition. Everything that is included in that proposition is included in the printed copies we have.

Mr. Weinberger: It is word for word with another proposition with the exception of those portions eliminated.

Mr. Short: That being the case, I withdraw my motion.

Mr. President: It will come up under special order tomorrow.

Mr. President: This will come up under the committee of the whole tomorrow, gentlemen.

Secretary: (reading) Proposition No. 114.

Mr. Cunningham: In order to save time I move that the report be considered with the report of the committee on the bills printed in the former report, as it covers the same ground, and that the consideration of this report be deferred until the former report on the printed substitute bill is before the convention.

Mr. President: It will come up tomorrow in the committee of the whole.

Secretary: (reading) Proposition No. 80.

Mr. President: It will come up tomorrow in the committee of the whole.

Secretary: (reading) Proposition No. 57.

Mr. President: It will come up in committee of the whole tomorrow.
Secretary: (reading) Proposition No. 125.
Mr. President: If there is no objection it will come up tomorrow in committee of the whole.
Mr. President: Proposition No. 2 comes up for third reading this morning, gentlemen. The secretary will read the third reading of proposition.
Secretary: (reading) Proposition No. 2 Introduced by Mr. Webb of Graham County.
Mr. President: Third reading of the proposition; Those in favor of the proposition will answer aye; those opposed no. The secretary will call the roll.
Roll call showed 39 ayes; 7 nays.
Mr. President: The proposition is passed and will be referred to the committee on style, revision and compilation.
Mr. Cunniff: I would like to say that I am desirous of attending every committee which I should attend, and sitting as long as the rest of the committee will stay, but I find almost every day there is a conflict. Committees are called to meet apart from the stated hours of those committees. It seems to me we had better have a revision of the schedule of committee meetings, so that a delegate is not prevented from doing his duty.
Mr. Jones of Maricopa: I believe the work could be expedited if we could have evening sessions, particularly for the purpose of getting the committees together. That is where the work is lagging. It is impossible to get them up here in the afternoon.
Mr. Webb: I move we adjourn until 9:30 tomorrow morning.
Mr. Curtis: I second the motion.
Roll call showed 30 ayes and 15 nays.
Convention adjourned to 9:30 a.m. November 10, 1910.

JOURNAL, November 10, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. President: Reports of standing committees.
Mr. Jones of Yavapai: Your committee on suffrage and election begs leave to report on Propositions Nos. 74 and 143.

Secretary: (reading) "Phoenix, Arizona, November 5, 1910.
Mr. President: Your committee on suffrage and elections begs leave to report it has examined Proposition No, 74, and respectfully recommends that it be indefinitely postponed.
(Signed) Osborn, Cobb, Lovin, Moeur, Orme, Kinney, Scott, Langdon."

"Phoenix, Arizona, November 5, 1910.
Mr. President: A minority of your committee on suffrage and elections begs leave to report that it has examined Proposition No. 74 and respectfully recommends that it be adopted.
(Signed) Jones, Chairman."

Mr. President: Read the proposition.
Secretary: (reading) Proposition No. 74 Introduced by Mr. Fred T. Colter of Apache County Relative to Suffrage.
Mr. President: If there are no objections it will come up tomorrow in the committee of the whole.
Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on suffrage and elections begs leave to report that it has examined Proposition No. 143, and respectfully recommends that said proposition be referred to one of your committees dealing with questions of public policy, and suggest that the proper committee to consider the proposition is committee No. 2, on legislative department, distribution of powers and apportionment.

(Signed) Cunningham, Chairman."
Parsons, Wood, Lynch, Weinberger, Baker, Ingraham, Crutchfield."

Mr. Webb: Under the rules it will go over until tomorrow, but if there is no objection I move the committee report the adoption, and this be referred to the legislative committee No. 2.
Mr. President: If there is no objection, the report will be adopted and the proposition referred to the legislative committee.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 140 and respectfully recommends that said proposition be indefinitely postponed.

(Signed) Cunningham, Chairman.
Parsons, Kingan, Wood, Lynch, Weimberger, Goldwater, Ellinwood."

Secretary: (reading) Proposition No. 140 Introduced by Mr. Keegan of Gila County Relative to Juvenile Courts.
Mr. President: That will come up tomorrow in the committee of the whole.
Mr. Cunniff: May I ask for a little explanation of this. I understand that the proposition is incorporated in a report which the judiciary committee is going to make.
Mr. Crutchfield: A minority report would have been prepared on this subject, but I was assured by the members of the judiciary committee that ample provision for a juvenile court was made, and so a minority report has not been submitted.
Mr. Ingraham: I beg leave on behalf of the minority to file a minority report later on that. The proposition that has been prepared by the judiciary committee does not provide for a juvenile court, and I think this is very important, as are also one or two other propositions of Mr. Keegan on the same line; so I shall put in a minority report.
Mr. Crutchfield: I join in the request.
Secretary: (reading) "Phoenix, Arizona, November 10,1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 139, and respectfully recommends that Proposition No. 139 be indefinitely postponed.

(Signed) Cunningham, Chairman.
Parsons, Kingan, Wood, Lynch, Goldwater, Baker, Weinberger, Ellinwood."
Mr. Ingraham: I ask for the same privilege on the record as to this, Mr. President.

Mr. President: That will take the same course as the preceding one, and comes up in the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 144, and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as your committee in its substitute proposition has recommended the adoption of its proposition being sufficient to cover all needed provisions contained in this proposition No. 144.
(Signed) Cunningham, Chairman.
Parsons, Wood, Lynch, Ingraham, Kingan, Crutchfield."

Mr. President: If there is no objection, it will come up tomorrow morning in the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 92, and respectfully recommends that said Proposition be indefinitely postponed.
(Signed) Cunningham, Chairman."

Secretary: (reading) Proposition No. 92 Introduced by Mr. Alfred Kinney of Gila County Relative to Qualifications of United States Senators.
Mr. President: If there are no objections, that will come up tomorrow in the committee of the whole.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 135, and respectfully recommends that the said Proposition be indefinitely postponed.
(Signed) Cunningham, Chairman.
Parsons, Kingan, Goldwater, Lynch, Baker, Ellinwood."

Secretary: (reading) Proposition No. 135 Introduced by M.G. Cunniff of Yavapai County Relative to Married Women's Property.
Mr. President: If there is no objections that will come up in the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report that it has examined Proposition No. 87 and respectfully recommends that said Proposition be referred to the same committee to which Proposition No. 84 may be referred, for the same reason as stated by your committee in its report thereon,
(Signed) Cunningham, Chairman.
Parsons, Baker, Ingraham, Weinberger, Lynch, Goldwater, Crutchfield."

Mr. President: I would like to ask the committee on judiciary why, when these propositions were referred there to get an expression of their ideas as to the law on these propositions that committee being composed of many eminent lawyers, they are sent with the recommendation that they be referred to some committee on which there are no lawyers.

Mr. Cunningham: In explanation, I would like to say that both of these propositions touch on the same matters, and are matters of policy of the state. If it becomes the

policy of the state to exempt property such as a homestead from forced sale, the judiciary committee says it can be made constitutional; there are no laws against such an exemption in theconstitution. The statutes of the state can deal with it, or it can be made a constitutional provision. The legislative committee is the committee on policy, and we feel that they should decide on the matter whether the constitution should contain such a provision. The judiciary committee feels as if they should not dictate the policy.
Mr. President: If there are no objections it will take the same course as the preceding bill, and be referred to the committee on legislative department, distribution of powers, and apportionment.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 71 and respectfully recommends that said proposition be indefinitely postponed.
(Signed) Cunningham, Chairman,
Parsons, Lynch, Wood, Ellinwood, Goldwater, Baker, Weinberger."

Secretary: (reading) Proposition No. 71 Introduced by Mr. Thomas Feeney of Cochise County Relative to Bill of Rights.
Mr. President: That will come up tomorrow in the committee of the whole. Gentlemen of the convention, we have before us for consideration several propositions. The first will be Proposition No. 18 with minority reports thereon. The convention will now resolve itself into a committee of the whole, with the gentleman from Yuma, Mr. Winsor, in the chair.
Mr. Orme: I move you we take a recess of fifteen minutes before we go into the committee of the whole.
Mr. Cunningham: I second the motion.
The motion prevailed.

Mr. President: The convention will come to order. Quorum is present.
Gentlemen of the convention, I am requested to announce that there will be a smoker held this evening under the auspices of the local Elks and all members and visitors are invited to be present.
Mr. President: Gentlemen of the convention, we will now be under the head of the committee of the whole. The convention will now resolve itself into the committee of the whole for the consideration of Proposition No. 18, the Recall Proposition, and the gentleman from Yuma, Mr. Winsor, will take the chair.
Mr. Winsor: The committee of the whole will please come to order. The secretary will read the report of the committee on Proposition No. 18.
Secretary: (reading) Report of committee on Proposition No. 18.
Mr. Chairman: Gentlemen, the majority and minority reports of the committee on executive, impeachment and removal from office are before you, what is your pleasure?
Mr. Hunt: Mr. Chairman, I move that when the committee arise it recommend that the majority report of the committee do pass.
Mr. Kinney: I second that motion.
Mr. Chairman: It has been moved and seconded that when the committee do rise that the majority report do pass. Are

you ready for the question?

Mr. Cunniff: Mr. Chairman, I move to amend the motion of the gentleman from Gila, and that the report offered by Mr. Jones and Mr. Wood be substituted.

Mr. Chairman: The motion is to the effect that the minority report offered by Mr. Jones and Mr. Wood be substituted in place of the majority report.

Mr. Cunningham: I desire to second the motion of the gentleman from Yavapai. While I do not fully agree with the minority, I wold like to withdraw the minority report offered by myself and second the motion to adopt the report offered by Mr. Wood and Mr. Jones.

Mr. Chairman: The gentleman can take such action as he desires with the report offered by Mr. Jones and Mr. Wood, but the other report must be disposed of in the order of business.

Mr. Chairman: The question before the committee is to substitute the report offered by Mr. Jones and Mr. Wood in place of the majority report.

Mr. Jones: In the majority report the section that seems to be most objectionable is that if a public officer be recalled, that it is a question of politics. If a public officer be recalled it should be because of his ability to perform the duties required or because of failure to perform his duties and it should be the choice of the people to say whether or not he should retain his office, but I do not think that it should be a question of prejudice or personal feeling; or because of a difference of party affiliations. Such removal should take place without a thought of party faith. If a man is recalled as provided by the majority report it is a case of politics and his successor would be of the opposite political party. It should make no difference what political faith the official has, and no such recall should ever be passed. If we are granted a recall provision stating the percent of the voters to petition for a recall it will bring the matter before the people as to his merits or demerits, and as to his faithful performance of duty or not, and not a question of political faith.

(Speech by Mr. Parsons omitted here and sent to him)

Mr. Webb: Gentlemen, I am opposed to the report of the gentleman from Cochise because it is only a skeleton and it is not a recall of the people, our constituents, are desirous of having placed into this constitution. In the interests of justice and fairness I appeal to you to adopt only such measure as will bring the matter of recall before the people in a most clear and defined manner. If any public officer has corrupted his office and a petition of twenty-five percent of the voters are signed against him and giving such charges as show that he is deserving of removal from office, his vacancy should be declared by the people and his successor should be put uponthe ballot for the people to vote upon just as any other officer that is elected to office. The gentleman from Yavapai have provided for a recall which will bring the matter before the public in the most expedient manner, and also in a manner that there can be no discrimination as to a successor politically. The party that the incumbent officer represented can have a man of his own party as a successor and thus relieve the recall of any political intrigues and as is the nearest measure to direct legislation of any proposition given us in a recall, therefore, I am in favor of the minority report offered by Messrs. Jones and Wood.

Mr. Cunningham: The objections of the gentleman to the substitute have not been based upon anything provided in the measure.

(Speech of Mr, Cunningham ommitted and sent to him)
(Speech of Mr, Cunniff omitted and sent to him)
(Speech of Mr. Weinberger omitted and sent to him)
(Speech of Crutchfield omitted and sent to him)

Mr. Feeney: Mr. Chairman, as a participant in the first recall electionin the United States, in Los Angeles, we could have obtained 250 affidavits to swear that the gentlemen who represented us was guilty as charged. The recall in Los Angeles has been tested in the courts and not found wanting. As for any electors outside of the 6th ward none signed the petition. When the threat of the recall was used the second time it took over a year to prove that the mayor was derelict in his duty, and when shown that it had been proven he was given an opportunity to resign. There is nothingto fear on the part of the gentlemen's report.

(Speech of Mr. Lynch omitted and sent to him)

Mr. Cunniff: Mr. Chairman, a very thoughtful political observer, Overhauser, who has printed a book on the initiative and referendum, makes this sound remark, that in the adoption of political policies and machineries in any republic or in any form of government, those are soundest and most likely to work out successfully that have been proven from the experience of the people who are living under that form of government and those are dangerous that are innovations that have been brought in from some other country where there is a different form of government.

The initiative and referendum which we have adopted already in this convention is a mere extension of the New England Town meeting government. It is the same thing that has existed in this government since the beginning.

The recall is simply extending to the people the power of the impeachment which has been in our government ever since the beginning, and I submit that with the mere exception of making the people the impeaching body, as the House of Representatives is in our impeachment system, and making the people the court instead of making the senate the court is all we do in this recall proposition, and there is absolutely no indictment in it of anykind, but I do submit that this proposition that has been adopted in some cities and has been proposed and used in some cities but has had no experience in any state,--that it is an innovation, and is a form of election of which we have no prototype in our political history, and I submit I am in hearty agreement with the gentleman from Graham that the thing, under out public system of government, is essentially not practical and not a wise form of recall which we should adopt.

(Speech of Mr. Short omitted and sent to him)
(Speech of Mr. Ingraham omitted and sent to him)

Mr. Cunniff: Mr. Chairman, does the gentleman from Yuma seriously think that if that were the case no republican would be in office?

Mr. Parsons: I desire to call attention to one statement made by the gentleman from Graham, Mr. Lynch, in which he said that paragraph 5, or Section 5 of the majority report made it necessary for the incumbent, against whom the complaint was made, could go into the primary and work for his nomination, and this section expressly says unless he shall order it otherwise his name shall go on the ballet. On the other hand, it says that other candidates for the office may be nominated to be voted for at said election.

It seems to me that no consideration----

Mr. Lynch: Was not the statement made in this way, that he would be compelled to go into the primary in his own party to defeat any other member of his own party, who wanted to go on the ticket against him and that his name would be on the ballot, though he must necessarily defend himself in his own party.

Mr. Parsons: The chair will entertain a motion whereby the committee do now arise.
Mr. Cobb: Mr. Chairman, There is no question that we will have a general primary law which will provide for the nomination of candidates for all elective offices. In the event that a republican was in office and a recall petition had been signed for his recall--
A member: Question.
Mr. Chairman: Gentlemen, Mr. Cobb, has the floor:
Mr. Cobb: If you don't wish to hear me I won't speak.
Mr. Chairman: The motion made by the gentleman from Gila, Mr. Hunt, was that when the committee arise it recommend that the majority report be adopted and the bill do pass with the minority report signed by Mr. Wood and Mr. Jones. All those in favor of the adoption of the amendment will signify by saying aye, and those opposed no when their names are called.
The secretary will call the roll.
Roll call showed 21 ayes and 27 nays.
Mr. Chairman: The nays have it. The question is upon the original motion, shall the majority report be adopted and shall the committee when it do arise recommend that the substitute proposition offered by the committee be adopted.
Mr. Orme: Mr. Chairman, I wish to move an amendment to the majority report in the second line of Section 1 after the letters "na" the words "other than the judiciary" be added.
Mr. COlter: I second that motion.
Mr. Chairman: Moved by Mr. Orme that in the second line of Section 1, after the letters "na" there shall be inserted the words "other than the judiciary."
Mr. Ellinwood: I wish to move a further amendment that after the letters "na" in the second line the words be inserted "except a supreme or superior court judge."
Mr. Orme: I accept the amendment.
Mr. Chairman: The amendment accepted by the gentleman from Maricopa and the amendment offered by the gentleman from Cochise is that the words "except a supreme or superior court judge," be inserted after the letters "na". The gentleman from Yuma, Mr. Short.
Mr. Short: I move that the committee do now arise and report progress and ask leave to sit again.
Mr. Feeney: I second the motion.
Mr.Chairman: It is moved and seconded that the committee do now arise and report progress and ask leave to sit again. All those in favor signify by saying aye; those opposed no. The nays have it.
Mr. Chairman: The motion before the committee is on the amendment offered by the gentleman from Maricopa, Mr. Orme. All those in favor of the amendment will signify by saying aye; those opposed no. The secretary will call the roll.
Mr. President: I desire to state that Mr. Wills and Mr. Pusch are paired, on this, Mr. Pusch against and Mr. Wills for it.
Roll call showed 18 ayes and 30 nays.
Mr. Chairman: The motion is lost.
Mr. Franklin: I move an amendment to the majority report beginning at the end of line 16 on page 4 of the Majority report, change that sentence to reas as follows: "Provided that the right to recall public officers in incorporated cities and towns is reserved to the qualified electors of such cities and towns and shall be exercised in the manner provided in the charters and laws of such cities and towns."

Mr. Chairman: The question will be upon the amendment of the gentleman from Maricopa, Mr. Franklin.

Mr. Weinberger: I want to say just one word. If this amendment is adopted, we will have no operative recall as to our municipal officers. It seems to me if the recall is necessary at all, it is necessary for the local officers. If this is adopted, the powers of the people in cities will be indefinitely postponed.

Mr. Franklin: I do not wish to say very much about this, but it will be at once seen from this proposition that it will be the most difficult matter in the world to give a fair and just percentage for all the incorporated cities and towns of this territory owing to their varying population and the varying conditions that confront them. I therefore think, on the theory of "home rule" that the gentlemen here have advocated so strongly, we should leave it to the people and let them fixtheir own method. I think this amendment is a proper measure, and therefore advocate it.

Mr. Cassidy: It think it very doubtful if the amendment made by the gentleman from Maricopa would have the effect of changing the percentage as to cities and towns. This proposition absolutely fixes the percentage in the second paragraph as to all public officers. I think the amendment of the gentleman from Maricopa would not have the effect he thinks it will.

Mr. Cunniff: Mr. Chairman, I am in hearty agreement with the gentleman from Gila. It seems to me, though I am one of these in favor of "home rule" that the proposition provides all that is necessary without the amendment.

Mr. Chairman: As many as favor the amendment will signify by saying aye; those opposed no. The nays have it, and the amendment is lost.

Mr. Webb: Gentlemen, I desire to offer the following amendment to the majority proposition. That all of Section 1 be stricken out, and in lieu thereof be inserted from line 1 to the word "office." where it occurs in line 5 of the minority report signed by Wood and Jones. I do it for this reason, that I think one is absolutely clear and thenother slightly clouded. The purpose of aach is the same, but the language of the minority report is very much clearer.

Mr. Cunniff: I second the motion.

Mr. Weinberger: Let us look at this amendment as proposed. It requires passage "by a majority vote." In the majority proposition all that is necessary is for the man to receive a majority vote of all the candidates. It seems to me this is inconsistent with that theory of a vote.

Mr. Parsons: The objection raised by the gentleman from Gila is certainly one of a serious character, and if it prevails,--if we are to require, as he says here, a majority of all the electors of the political subdivision, it may be a difficult matter to determine. I think the wording of the section in the majority report is preferable, and therefore I favor it.

Mr. Webb: The amendment was very hurriedly made. I was not satisfied with Section 1 of the majority report. I am now convinced that neither one of them is good. I will therefore withdraw the motion, and offer the amendment a little later.

Mr. Chairman: Will the gentleman who seconded the motion allow it to be withdrawn?

Mr. Cunniff: Most assuredly.

Mr. Ellinwood: I wish to offer an amendment in the fifth line after the letters "ed" to insert the following "Provided, however that the provisions of this article shall not apply to a supreme or superior court judge."

Mr. Chairman: The chair will sustain the point of order without your stating it.

Mr. Roberts: I move that after the word "officer" on page 3, line 4, the words "that the statements therein made are true and" be stricken out and the reading may be made "that the signatures are genuine."

Mr. Short: I second the motion.

Mr. Roberts: Mr. Chairman: I want to say that the present provision requires the gentleman circulating the petition to swear that the accusations are true, and also that the justification as presented by the officer is true, either of which he does not care to swear to, and in the nature of things this would hinder the petition. I think if it be left to read "that the signatures are genuine" is sufficient and all that should be required.

Mr. Webb: I think the gentleman from Cochise is laboring under a misapprehension of the meaning of this provision.

Mr. Lynch: The position taken by the gentleman from Graham is unquestionably correct. The first part of Section 3 refers to the recall petition, and the statement required to be signed is the face of the sheet to which the signatures are attached.

Mr. Short: Mr. Chairman, as a signer of this majority report, I desire to say that my first impression was that of the position taken by the gentleman from Graham county, that the only thing required of the party signing this affidavit, or oath, was that the signatures are genuine, but on reading it more closely I find it does not say that. It says that the statement contained in the petition must be true. You can see by the different ways this is construed by the members of the convention, I think, that it is liable to misconstruction. I think if we eradicate these words, it will make the matter perfectly plain.

Mr. Cunniff: I move as an amendment to the amendment that the portion of Section 3 beginning with the words "the" at the end of line 15 on page 1, down to the end of that paragraph or section, be stricken out, and the Section in the minority report signed by Wood and Jones on the last page thereof, being the next to the last paragraph of that minority report be substituted in place thereof. The point is that the gentlemen wish to provide as to the method of petitions and by simply referring to the form of petition required in the initiative and referendum we save repetition, in the constitution, and get rid of the objection pointed out.

Mr. Chairman: The motion made by the gentleman from Cochise is to the effect that the words contained in line 4 of page 3 "that the statements made are true and" be stricken out; amended by Mr. Cunniff to strike out beginning with the word "the" at the end of line 15 on page 1, down to the end of that paragraph, and to insert inlieu thereof the next to the last paragraph of the minority report signed by Wood and Jones. The question will be upon the adoption of the amendment to the amendment.

Mr. Short: I am opposed to the amendment for the reason that the committee had this particular matter up, and thrashed it out thoroughly; went into detail, and then made this provision specific, so that it could not be misunderstood, as the provisions for the initiative and referendum petition must be differently construed from the intended meaning, I do not believe the amendment is a good thing, and it may possibly change the meaning.

Mr. Lynch: If the gentleman will permit a question, I would like to know if any two members of that committee agreed as to the meaning of Section 3?

You say you made it perfectly clear.
Mr. Short: I know of no disagreement. With the amendment as offered by the gentleman from Cochise, Mr. Roberts, I believe it is absolutely correct.
Mr. Weinberger; I will read the provisions in the initiative proposition, and you will see readily that the details of this provision will not apply.
Mr. Cunniff: I would like to ask the gentleman from Gila if a provision adopted in all practical respects like the initiative petition would not cover exactly the ground.
Mr. Weinberger: I say as long as we are providing for a measure, let us do it exactly. You will have to leave a great deal for inference if you adopt this initiative.
Mr. Cunniff: I beg to say that unless this thing is amended in some way, I shall have to vote against this whole bill; of course, as the gentleman says, it is impossible for the petitioner to swear that the statements are true.
Mr. Webb: Just one word. If the proposition of the gentleman from Cochise is adopted, it will leave no safeguard for the petition. I shall vote against it.
Mr. Chairman; All in favor of the amendment to the amendment will signify by saying aye; all opposed nay. The chair is in doubt. The secretary will call the roll.
Roll call showed 27 ayes and 21 nays.
Mr. Chairman: The ayes have it and the amendment is adopted.
Mr. Webb: I move that the committee do now arise and report back to the convention that they have considered proposition No. 18 and the committee reports thereon and that we recommend that the majority report be adopted and Substitute Proposition No. 18, as amended, be adopted and all minority reports be indefinitely postponed.
Mr. Weinberger: I second the motion.
Mr. Chairman: You have heard the motion. As many as are in favor of such a report will signify by saying aye as their names are called; and those opposed no.
Roll call showed 27 ayes and 11 nays.
Mr. Chairman: The motion is carried, and the committee will now rise.
The president resumed the chair.
Mr. President: The convention will come to order.
Mr. Winsor: Mr. President, Your committee of the whole begs leave to report that it has examined Substitute Proposition No. 18 and the minority reports submitted with the sane, and respectfully recommends that Substitute Proposition No. 18 be amended by striking out on line 4 of page 3 the words "that the statements made therein are true and" that as so amended the said Substitute Proposition No. 18 do pass.
Mr. Cunniff: I move the report of the committee of the whole be adopted.
Mr. Webb: I second the motion.
Mr. President: Call the roll on the adoption of the report of the committee. Those in favor will answer aye as their names are called and those opposed no.
Roll call showed 37 ayes and 11 nays.
Mr. President: The motion is carried. Shall it be engrossed and have a third reading? Those in favor answer aye; those opposed no. The ayes have it, and it comes up for a third reading.
Mr. Webb: I move the convention now stand adjourned until 9:30 tomorrow morning.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 a.m. November 11, 1910.

JOURNAL, November 11, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will rise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: The reading of the minutes.

Minutes read and approved.

Mr. Short: Mr. President, the printing committee desire to report the printing and return of majority and minority Substitutes for Proposition No. 82.

Mr. President: I would ask the chairman of the committee on education, if he is going to make a report.

Mr. Moeur: We have a proposition to report but have not got it fixed up.

Mr. President: We will refer back to it later on. Committee of the whole. Gentlemen of the convention, we have several propositions to consider in the committee of the whole and the convention will now resolve itself into a committee of the whole. The gentleman from Cochise, Mr. Bolan, will take the chair.

Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition No. 82, Substitute Proposition No. 82, Proposition No. 62, Proposition No. 114, Proposition No. 80, Proposition No. 157, Proposition No. 125, Proposition No. 74, Proposition No. 71, Proposition No. 92, Proposition No. 135, Proposition No. 139, Proposition No. 140, Proposition No. 143, Proposition No. 144. What is your pleasure?

Mr. Jones of Yavapai: Mr. Chairman, I move you that Substitute Proposition No. 82, the majority report of the committee, and also the minority report of the committee, be made a special order for the committee of the whole for Monday morning.

Mr. Lynch: Mr. Chairman: I second the motion. I would state that the reason I second the motion is that Judge Doe, a member of this convention, is on the supreme court, which is now in session, and he asked that it be left over if possible, for the reason that he has some statements to make to the convention with reference to his district.

Mr. Weinberger: I am in favor of putting this over until Monday morning because four or five members of the judiciary committee are absent and I would like to see them present when this matter is taken up.

Mr. Cunningham: I can see no reason to put this matter over to Monday. This committee has already been criticised for putting over its business, and the only reason I see that this matter has not been considered is on account of the fair; everybody is attending the fair, not paying any attention to this matter. This proposition, it is true, has not been examined, but there are some other reasons. I do not care to try to take advantage of that however, but it seems to me that if we continue to put things over we may as well put over the convention for a year or so. We cannot get anything done if business is put over repeatedly -- delayed continually. I am very sorry indeed that private business has caused members of this committee to be away from here and not in attendance on the duties of the convention, but they are not here, and I feel that we should attend to this business and get through with it some time this winter.

Mr. Jones of Maricopa: I would like to ask the gentleman from Cochise if he expects the delegates to have this before them ten or fifteen minutes and then act on it intelligently. I understood that the committee worked on this a long time and are satisfied with it, and it may be satisfactory to all of us, but I cannot conceive how any man here who has not studied this can pass on it intelligently without some consideration-- without time to look it over.

Mr. Jones of Yavapai: I would make the same remark that the gentleman from Maricopa has made--that the first time I saw this proposition was about five minutes ago, and I do not think the gentlemen of this convention have had time to consider the proposition. I therefore think that we should have more time.

Mr. Lynch: I would also suggest to the chairman of the judiciary committee that on the calendar of the law we have plenty to occupy us today and next day without consideration of this. It is not only a long measure but a technical measure.

Mr. Cunningham: I would like to answer the gentleman from Graham, I take it for granted that there are other propositions following this that will take the same course.

Mr. Jones of Yavapai: No sir, not from me.

Mr. Cassidy: Mr. Chairman, I move to amend the motion to the effect that this proposition be made a special order for tomorrow morning.

Mr. Jones of Yavapai: I second the motion.

Mr. Parsons: If the amendment should prevail it would put the committee, it seems to me, in the position of denying to an eminent member of the Arizona Bar, and one of our Judges--

Mr. Lynch: He will be here tomorrow.

Mr. Parsons: Then I will suspend my remarks.

Mr. Cunningham: Mr. Chairman, I move a further amendment so as to avoid the objection.

I move an amendment that it be placed as a special business for 2 o'clock tomorrow. That will give the eminent member opportunity to be here. In the afternoon the supreme court sessions do not hold, and 2 o'clock tomorrow afternoon will give every opportunity to the eminent member of this convention to be here.

Mr. Chairman: Are you ready for the question? The amendment to the amendment-- Was there a second?

Mr. Winsor: I second that motion.

Mr. Chairman: The amendment is to the effect that the consideration in the committee of the whole of Substitute No. 82, also in Proposition No. 82, be suspended and come up as a special order of business tomorrow at 2 p.m. Are you ready for the question? All those in favor will answer aye when their names are called; those opposed will answer no. The secretary will call the roll.

Mr. Webb: I would suggest that it would be much quicker and more satisfactory to the clerks if a rising vote would do just as well. Let us have a roll call.

Mr. Chairman: The chair rules that the roll be called.

Roll call showed 27 ayes and 14 nays.

Mr. Chairman: The motion is lost. Now the question comes on the amendment to the original motion. I believe we could avoid a little delay in this voting if Mr, Lynch would agree to the amendment offered by Mr. Jones of Maricopa. The amendment to the original motion is that consideration of Proposition No. 82 be postponed until tomorrow morning and come up as special order of business in the committee of the whole. Are you ready for the question? All those in favor of this amendment will

signify by saying aye; those opposed no. The ayes have it. The original motion now. Do you want to vote on that Mr. Jones?
Mr. Jones of Yavapai: No sir.
Mr. Chairman: All those in favor of the motion as amended by Mr. Cassidy of Maricopa reading that Proposition No. 82 and Substitute Proposition No. 82, that is the judiciary committee's report, be made a special order for tomorrow morning signify by saying aye; those opposed no. The chair is in doubt.
Mr. Webb: Rising vote.
Mr. Chairman: Call the roll. All those in favor as their names are called will signify by saying aye; contrary no.
Mr. Franklin: Mr. Chairman, Do I understand this question is for the consideration of this proposition Monday morning?
Mr. Chairman: Tomorrow morning. The secretary will call the roll.
Roll call showed 25 ayes and 16 nays.
Mr. Chairman: The motion is carried. Proposition No. 82 and Substitute Proposition No. 82 will come up tomorrow morning as special business in the committee of the whole.
Mr. Hunt: The gentlemen of the convention seem to be in somewhat of an ill mood this morning. We have been honored by the Copper Queen Band which has come out here to serenade us, and I move we take a recess for a few minutes to hear them.
Mr. Chairman: All those in favor of the motion signify by saying aye; those opposed no. The ayes have it.
Convention stood at recess.

Mr. Chairman: Convention will please come to order.
Mr. Cunningham: Now, Mr. Chairman, this very pleasant occasion was offered to this committee of the whole because of the savage disposition that seemed to prevail this morning. As I have been accused of being the most savage of them, I think as a personal privilege I am entitled to make the motion I am about to make. Now, I have always realized the fact that music has power to charm some classes of people as well as beasts, and I must say that it has had its usual effect on the most savage member of this committee of the whole, and therefore, I move now, if some other savage member will second it, that the committee of the whole do now give a standing vote of appreciation for the music offered by the Bisbee Band.
Mr. Feeney: I second the motion.
Mr. Chairman: What is your pleasure.
Mr. Hunt: Mr. Chairman, I move you that we take up Proposition No. 143.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Chairman: What is your pleasure in regard to Proposition No. 143?
Mr. Tovrea: I move that it be indefinitely postponed.
Mr. Cunningham: I second the motion.
Mr. Osborn: Let us have it read and the committee reports thereon.

Secretary: (reading) "Phoenix, Arizona, Nov. 5, 1910.
Mr. President: Your committee on suffrage and election begs leave to report it has examined Proposition No. 143 and respectfully recommends that it be indefinitely postponed.

Albert M. Jones, Chairman.
We Concur: Cobb, Kinney, Lovin, Langdon."

"Mr. President, We the undersigned minority of your committee on suffrage and election begs leave to report that it has examined Proposition No. 143 and respectfully recommends that the following substitute be adopted, and that Proposition No. 143 be indefinitely postponed.
(Signed) Ingraham, Osborn, Orme,
Moeur, Scott."

Mr. Cunningham: I would like to inquire for information if this report and substitute bill were printed.
Mr. Webb: It seems to me that these two propositions differ very little. I would like to ask what the difference is between the original and the proposed substitute.
Mr. Ingraham: The only difference worthy of consideration is this: In looking over the Connelly Proposition, the minority were of the opinion that it might be construed to extend the franchise to more than ~~the~~ mover of the proposition intended. It might even be construed to give the franchise to children, and to avoid any such conclusion we drew this amendment, to be submitted at the election, that both male and female citizens shall be equally entitled to all religious and political rights and privileges. The meaning is practically the same except for the possible misconstruction. Further, there shall be no denial of the elective franchise on account of sex. The rest of the proposition is the same.
Mr. Hunt: You make this mandatory on the first legislature; they will not have to obey that mandate.
Mr. Ingraham: Yes, just the same as in the original proposition.
Mr. Hunt: We say to the first legislature "You shall do so and so" but they need not do it, they do not have to do it.
Mr. Ingraham: The same objection would apply to the Connelly Proposition. It is hardly to be supposed that the legislature will refuse to do this after the convention has taken action on it, if the action should be favorable; and besides, we have already adopted a direct legislative measure by which the people can do it, if the legislature refuses. The people have the power to propose an amendment.
Mr. Kingan: I would like to have an answer to that question also. I do not think the gentleman from Yuma has answered the gentleman from Gila. I would like to have the question answered.
Mr. Cunniff: In answer to the gentleman from Gila: There have been various propositions introduced here, and I think one or two have been passed that put mandates on the legislature. It is quite true that any mandate directed to the legislature in this constitution may or may not be obeyed. The other day we adopted the initiative and referendum and yesterday, the recall, and the idea of putting mandates on the legislature in the constitution is that we have provided a method for seeing that the legislature does obey the mandate, but it seems to me in reference to this proposition that most of the mandates proposed to the legislature are mandates for which there is so strong a popular demand that the legislature cannot refuse to obey the mandate. I would say that the proposition before us is one of an entirely different character, and the objection of the gentleman from Gila is well made. There is no popular demand for anything of that sort and therefore the mandate may or may not be obeyed.
Mr. Chairman: Gentlemen, what is your further pleasure on

this proposition?

Mr. Webb: I move that when the committee arise it report to the convention a recommendation that the substitute offered by the minority members of the committee on suffrage and election for Proposition No. 143 do pass.

Mr. Osborn: I second the motion.

Mr. Cunningham: I offer the amendment that all that part of committee substitute proposition be stricken out after and including the word "provided, however," and that the remaining part of that substitute preceding those words be adopted.

Mr. Roberts: I move as an amendment to the amendment that the first word in line 5 be stricken out.

Mr. Cunniff: Thus far in the deliberations of this convention I have seen no proposition introduced that seems to me worthy of separate submission that is not worthy of being placed in the constitution. I wish to say now that if no matter is introduced later of a nature that seems to warrant its separate submission, I am utterly and unreservedly opposed to any action on the part of this convention to provide any matter for any separate submission. I think that anything we do here that we believe in - that we believe should be done - should be incorporated in the constitution. It seems to me that this matter should properly have been submitted to the committee on separate submission, and it seems to me further that there is a certain propaganda in the interest of those having the affirmative side of this matter, a settled and certain course to stir up a social revolution in Arizona by extending the privilege of suffrage to the ladies. Now my own opposition to woman suffrage is not due to the poor opinion I have of women, but rather the contrary. I have two high an opinion to have the suffrage extended to them, for the reason, first, that I am opposed to any proposition of this kind or description, and second, because I am opposed to adopting any matter for separate submission here. I hope the original motion to indefinitely postpone will prevail.

Mr. Cunningham: It became my pleasure to attend a part of a meeting of committees held upon this question since this constitutional convention has been in session. While in attendance I heard several able speeches along the lines of equal suffrage-- many very able speeches. Among them was one that would fix my feeling in this matter absolutely, if I had no other opinions regarding it. My private opinions are but small in comparison with those of the people of Arizona. I heard the statement there and I have no reason to doubt its truth, that in every country, county, a certain political party had tickets in the field that made one of its strongest planks of their platform, equal suffrage; that that matter was fought out among the people of Arizona, that it was fought with able orators, and the assistance of able women orators; that as a result of that election, as a result of that fight, as a result of that argument submitted to the people, not one man was elected to this constitutional convention on that platform. Have not the people of Arizona expressed to us gentlemen of the convention, that it is not wanted at this time as a part of the constitution? Is not that the best argument, although we might be favorable before? I have no doubt that this was the case in Cochise county, and every other county, and every member of this constitutional convention within the sound of my voice, and even those who are absent, were opposed on this platform by candidates on an opposing ticket. The effort was made to defeat every member that hears me, but with what result? The people of Arizona have spoken in no mistakable terms. Republicans and democrats were opposed, but they were elected. The people have spoken in terms we cannot fail to recognize for one moment, and now we are called upon to place before them the very provision the people have said, "we do not want." Can we afford to do it?

Mr. Osborn: The men have spoken and the women have not. That is exactly what we want now; let them have the right.

Mr. Webb: In answer to my friend from Yavapai county, as to the statement he made that any proposition that was worthy of separate submission ought of right to go in the constitution proper, I do not think that questions have arisen on which I need advice, questions of policy, not questions that are clear for one to determine as to what is right and wrong, upon which the people have not spoken--the gentleman from Cochise to the contrary notwithstanding--on which they have not spoken unclouded by other issues. I say there are other questions worthy of separate submission. There are questions which I do not claim the right to answer for my constituents - questions which I say the people who sent me here should answer for me. Now as to the remarks of the gentleman from Cochise, Mr. Cunningham, that this was the issue, (and from his remarks I gather he thought it a clear cut issue) the gentleman was mistaken. I know there are members of this convention who received the earnest and enthusiastic support of advocates of woman suffrage. I believe all such, at least, owe it to the people to give them an opportunity to speak on the question. Now as to the question of going into the merits and demerits, it is useless. It has been discussed very much. I know you could not be changed by argument, but I do ask you to let the matter be submitted. One of the arguments I have heard most frequently used is that the women themselves do not want suffrage, that a majority of them frankly confess they do not. I am perfectly willing to leave it to the women as in the amendment of Mr. Roberts.

Mr. Cunniff: I wish to ask the gentleman from Graham a question. He says that this matter was not before the people in an unclouded way and I would like to ask, "why not"? Now, just a moment. We had democratic convention in Yavapai county to nominate candidates for this convention for the democratic party, and in the platform committee of that convention (in which I sat) there was absolutely no suggestion made as to either of the matters that have been proposed for separate submission, either prohibition or womans suffrage. Among these delegates gathered from every part of the county, not one delegate suggested that either of these matters be submitted. There was absolute silence, absolutely no suggestion this be incorporated was presented on the floor of that convention, and therefore it seems to me there was no demand for these things worthy of consideration, and no effort made to get them out so that they were unclouded.

Mr. Webb: In answer to the gentleman from Yavapai, I would say that the platforms of the two dominant parties whose candidates were elected were silent on the question which certainly left it clouded. It is also true that one small party declared in favor of womans suffrage, but it was a small party, and received very little of the support of those in favor of womans suffrage.

Mr. Cunningham: I would like to ask the gentleman from Graham, has the party which put this in its platform elected any delegates to this convention?
Mr. Webb: No sir. I would like to add that the advocates of the question in Graham county did not support that ticket for the reason that they believed there were advocates of woman suffrage on other tickets.
Mr. Cunningham: Did they not vote for the party whose platform was silent in preference to that party advocating it?
Mr. Lynch: I would like to ask him if in the convention of democrats, which nomin ated the five present delegates from Graham county, this woman suffrage was not rejected by a vote 89 to 25. Did not the republican party have a clause in their platform asking for separate submission of this question to the people in Graham county?
Mr. Webb: In answer to the first question, "yes" except that he is mistaken somewhat on the vote, only a little however; but I want to say that it was a question of policy again with many of them in that convention, whether it was wise to put it in or whether it would bring votes to the candidates who stood on that platform, and I want to say that nearly half of the votes in that convention were controlled by one or two men by proxy. As to the second qastion, the republicans did do this, and if it was not an evasion, gentlemen of the minority, what was it? They said we favor the first state legislature submitting the matter to the vote of the people.
Mr. Parsons: I want to know if the chair rules that Mr. Tovrea's motion was out of order, because the motion has not been put.
Mr. Chairman: The chair rules that the original motion of Mr. Tovrea with the two amendments is before the house.
Mr. Moeur: In dealing with this separate submission question, it does not seem to me it makes any difference what any political party has said or done. The question is is it right for the women to have suffrage as a separate question. The delegates from Maricopa county declared that they would advocate submitting it as a separate proposition in the constitutional convention. It makes no difference whether one party or the other recommend it, I believe in it, and I shall vote for it, first, last and all the time.
Mr. Orme: I would like to hear from Mr. Connelly, who proposed the question. He is like the boy the goat ran over: He "hasn't" anything to say."
(Speech by Mr. Ingraham omitted and sent to him).
Mr. Franklin: As there seems to be a little confusion as to the status of this motion, and in view of the factthat the committee on separate submission has now pending before it Propositions of a similar nature, on which they will very shortly make a report, I move that Proposition No, 143 and the Substitute Proposition be postponed until the receipt of the report from the committee on separate submission and that they all be taken up in their regular order.
Mr. Chairman: The motion is out of order.
Mr. Franklin: The motion is not out of order because a motion to postpone to a time certain takes precedence over a motion to indefinitely postpone.
Mr. Ingraham: I rise to another point of order. I do not believe the motion of Mr. Tovrea was in order, for the reason the report of the committee was not before this committee of the whole at the time the motion was made.

The secretary was at that time reading the title of the majority report, and there was no proposition or the minority report, or even the proposition of the majority report before this convention at the time that motion was made.

Mr. Webb: In support of the contention of the gentleman from Yuma, I desire to say that that was my understanding, and my motion was made as an original motion, and I believe the secretary accepted it as such. I call for the reading of the minutes on that point.

Mr. Chairman: The chair will rule that Mr. Webb's motion was made as an amendment. I am perfectly satisfied and know that I am correct in making this statement. As far as the motion made by Mr. Tovrea is concerned, the chair is in doubt whether to state that the report of the committee was read before the motion was made.

Mr. Cunniff: At the same time I asked the chair to rule whether the motion of the gentleman from Maricopa is not the one now before the committee.

Mr. Chairman: The chair rules that a motion to postpone is always in order.

Mr. Webb: Before passing on that I would like to be heard. Mr. Franklin raises the point that the motion before the house was for indefinite postponement, while his motion was to postpone for a time certain, but his motion does not provide for a definite time.

Mr. Franklin: I beg to differ. Is there no definite time in which the order of business comes before the convention? After the report it takes its regular order in the committee of the whole on the day after.

Mr. Webb: What makes it so indefinite is the failure of the committee to report on it. It has had it over thirty days now.

Mr. Franklin: The answer is very clear. The motion of the gentleman from Cochise, is for an indefinite postponement; that of course means no time. The motion I made is to postpone to a time certain, a time to be fixed by the rules governing this body. You do not have to state the particular hour or day; a time certain is one that can be fixed by some rule.

Mr. Webb: The gentleman says that the rules of the convention provide that the committee shall report on a proposition within eight days, exclusive of Sundays and holidays. That being the rule which the gentleman relies upon to make the time definite. This proposition has been in the hands of the committee for certainly three times the eight days, and it seems to me it makes it a very indefinite time.

Mr. Franklin: I will answer by saying that the gentleman from Graham is one of the most promiscuous and prominent members on that committee on separate submission.

Mr. Chairman: The chair is somewhat in doubt in regard to this question and unless we can get further light, I think he will have to rule that Mr. Franklin's motion is out of order. All those in favor of the postponement of Proposition No. 143 until the committee on separate submission makes its report will signify by answering aye as the roll is called; those opposed no.

Roll call showed 11 ayes and 31 nays.

Mr. Chairman: The motion is lost.

Mr. Jones of Yavapai: We have heard a good deal of discussion on this bill, but there is no one who has taken exception to the point I made in opposing this measure. Now, I differ from a great many who oppose this measure, in that I believe the women should have a vote, but I do not think this proposition as it is submitted by the minority will be practicable. To submit the proposition at an election where one-half of the electors are to vote on one proposition and no other, add one-half on many propositions, I think would be very confusing.

Mr. Webb: If I understand the gentleman from Yavapai correctly, he seems to comprehend that the question will be submitted at some general election.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Ingraham: We have quoted the words of Senator Root. I would like to ask the gentleman if suffrage is a privilege or a right.

Mr. Ellinwood: It is a privilege under the Constitution of the United States, not a right.

Mr. Colter: This has resolved itself into a question of justice, a mere question as to whether we should have woman suffrage or not, and we are going to leave this to arbitrations; and the people are the arbitrators. How could there be anything more fair and just than this? (applause)

Mr. Parsons: I want to call attention briefly to the question raised by the gentleman from Yavapai, Mr. Jones, and try to make that clear. He stated that there would be one election for both the state officers and on this special question, on the latter of which both males and females might vote. If we submit this proposition, are we not in effect writing into the constitution now female suffrage. We certainly are, and every other word in this constitution that fixes suffrage as confined to male citizens over the age of 21 years is absolutely inconsistent with this proposition allowing women to vote on a very important matter, and if there were no other reason I should oppose the amendment and vote for the postponement. It does not make any difference what my private opinion is. I have always been in favor of woman suffrage, and were I here to cast the vote of A. F. Parsons it would be different, but I am here representing a constituency that has expressed itself as opposed to female suffrage, and I am therefore in favor of indefinite postponement of the matter.

(Speech by Mr. Cassidy omitted and sent to him)

Mr. Chairman: There is a motion that the committee arise and report progress. All those in favor will make it known by rising to their feet. All opposed, likewise. Rising vote showed 17 in favor and 21 against.

(Speech by Mr. Cunniff omitted and sent to him)

(Speech by Mr. Webb omitted and sent to him)

Mr. Parsons: Do you know of any law by which the women of Arizona could vote on this question? Do you know of any statute by which they are entitled to vote on it?

Mr. Webb: No sir.

Mr. Parsons: Is there any law upon our statute books under which women can vote on any proposition except school questions? Then if we incorporate in the constitution this provision will we not be giving by express terms the right to the women to vote?

Mr. Webb: This is only one particular election and we have the same right as some former legislatures had in allowing them to vote on school questions.

(Speech by Mr. Lynch omitted and sent to him)

Mr. Colter: Mr. Chairman, I would like to reply to the gentleman from Graham that this is a ground-hog case, and why I say it is a ground-hog case is because this body has turned out on this particular question not to be a representative body of the people, and by putting it up to the people I think it would be fairly decided.

Mr. Kingan: Mr. Chairman, I am glad that Mr. Lynch has the courage to rise upon this floor and say that he was not afraid of assuming the responsibility of a delegate to this convention. I am not afraid of assuming that responsibility. We are here to act, not to shirk or shift responsibility on somebody else. If you are going to refer this question to the people why don't you refer every question to the people that we are here to pass on. We have been sent here to frame a constitution; let us do it. Do not shirk the responsibility that we have assumed. Let us act. If we act wrongly the people will condemn us, but let us act for ourselves and not try to shirk or shift the responsibility on somebody else.

(Speech by Mr. Franklin omitted and sent to him)

Mr. Chairman: Are you ready for the question? The secretary will read the question.

Secretary: What is the question?

Mr. Chairman: Mr. Roberts' motion was ruled out of order as being three amendments to an original motion.

Secretary: The motion is the motion of Mr. Cunningham to amend by striking out everything after the word "years," beginning with the words "provided however," seconded by Mr. Kingan.

Mr. Kingan: Mr. Chairman, what does the gentleman from Cochise mean by holding office? That changes the whole tenor of the business.

Mr. Chairman: Explain for the benefit of Mr. Kingan of Pima.

Mr. Winsor: I would like to hear the proposition read as it would appear if amended.

Secretary: (reading) "Section 1. The right of suffrage and of holding office in the State of Arizona shall be exercised only by male citizens of the United States over the age of twenty-one years;"

Mr. Cunningham: Mr. Chairman, that will leave the provision, as I understand it, by striking out under my proposed amendment, as it has been read by the secretary.

Mr. Cunniff: Does he mean all public officers?

Mr. Ellinwood: Whatever may be the views of the members, I hope this amendment will be voted down, for the reason I understand the committee on suffrage and election has a proposition covering this entire matter of qualification of voters, and it will be covered at that time. I do not think we should adopt a part of the report.

Mr. Chairman: The question has been read by the secretary. All those in favor of amending this proposition by striking out from the substitute amendment everything after the word "provided," will signify by saying aye; contrary no. The motion is lost.

Mr. Franklin: I move you the committee do now arise and report progress.

Mr. Osborn: I second the motion.

Mr. Chairman: It has been moved and seconded that the committee now arise and report progress. Are you ready for the question? All those in favor will signify by saying aye; contrary no. The chair is in doubt. The chair will call for a rising vote. All those in favor of the committee arising and reporting progress will rise.

Rising vote showed 20 in favor and 20 against.

Mr. Chairman: The motion is lost. The next question that will come before the committee of the whole is on Mr. Webb's amendment. You have heard the question. All those in favor of this substitute proposition will answer aye as their names are called; those opposed no. The secretary will call the roll.

Roll call showed 15 ayes and 28 nays.

Mr. Chairman: The motion is lost. The motion comes up on the original motion by Mr. Tovrea of Cochise on the indefinite postponement of Proposition No. 143. Are you ready for the question? All those in favor of indefinite postponement will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 28 ayes and 14 nays.
Mr. Chairman: The motion is carried.
Mr. Webb: I move the committee do now arise and report progress to the convention.
Mr Cunniff: I move to amend that motion to the effect that the committee now rise and report progress and recommend that the proposition under consideration, No. 143, and all the reports thereon be indefinitely postponed.
Mr. Chairman: Will you accept that amendment?
Mr. Webb: No sir. My motion I submit covers the entire matter as the gentleman would have it covered. If we arise and report progress we will report that the committee of the whole favors indefinite postponement, but I am not going to be in the position of moving that that be done.
Mr. Winsor: You speak of rising and reporting progress. I am in favor of setting in session and making progress on the other propositions that are before this committee of the whole.
Mr. Chairman: You have heard the amendment offered by Mr. Cunniff: All those in favor of the motion as stated by Mr. Cunniff that the committee arise and report that it has examined Proposition No. 143 and substitute propositions and that they be indefinitely postponed will signify by saying aye; those opposed no. The ayes have it. It is not worth while to vote on the original motion, I suppose. The motion as amended by Mr. Cunniff - the amendment to the motion offered by Mr. Webb, is that the committee now arise and report progress and recommend that proposition No. 143 and substitutes for Proposition No. 143 be indefinitely postponed. Are you ready for the question? All those in favor of the motion signify by saying aye; those opposed no. The ayes have it. The committee will now arise.
The President resumed the chair.
Mr. President: The convention will come to order. The chair will recognize the gentleman from Cochise, Mr. Bolan.
Mr. Bolan: "Mr. President: Your committee of the whole, having had under consideration Proposition No. 16 and Substitute Proposition No. 18, reports progress, and recommends that Proposition No. 18 and Substitute Proposition No. 18 be made special order for committee of the whole at the morning session, November 12, 1910. Your committee has also examined Proposition No. 143 and the Substitute therefor, and recommends that Proposition No. 143 and substitute therefor be indefinitely postponed." I move you that the report of the committee be adopted.
Mr.President: If there are no objections the report will be adopted.
Mr. President: Gentlemen of the Convention, it is moved that the report of the committee of the whole on Proposition No. 18 be made special order for tomorrow morning. Those in favor will answer aye; those opposed no. The ayes have it. The question comes up on the indefinite postponement of Proposition No. 143. What is your pleasure? If there are no objections it will be adopted. What will you do with Proposition No. 143?
Mr. Cunniff: I move it be indefinitely postponed.

Mr. Jones of Yavapai: I second the motion.
Mr. President: Those in favor will answer aye and their names are called; those opposed no. The secretary will call the roll. Gentlemen, I want to explain my vote on this proposition. In the convention of Gila county we said we would get the initiative, referendum and recall, and if we got that into the constitution that would be sufficient for the people, and I therefore vote aye on the indefinite postponement of this proposition.
Roll call showed 28 ayes and 12 nays.
Mr. President: Proposition No. 143 has been indefinitely postponed.
Mr. Bolan: I move we adjourn until 9:30 tomorrow morning.
Mr. Feeney: I second that motion.
The motion prevailed.
Convention adjourned to 9:30 a.m. November 12, 1910.

JOURNAL, November 12, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: The secretary will now read the minutes.
Minutes read and approved.
Mr. President: Gentlemen of the convention, under the rules the convention will now resolve itself into the committee of the whole, and the chair desires to announce that one of our native sons, Mr. Osborn, will take the chair. (applause)
Mr. Chairman: The committee will come to order. The first proposition under consideration is Proposition No. 82. Gentlemen, what is your pleasure?
Mr. Cunningham: Mr. Chairman, I move that when the committee of the whole arises it report progress that it recommend the adoption of Committee Substitute Proposition No. 82.
Mr. Winsor: Mr. Chairman, I rise to a point of order. Under the rules the proposition must be taken up by Sections, and they have not been read by the secretary.
Mr. Chairman: The point of order is well taken, and the chair will ask that the gentleman from Cochise, Mr. Cunningham, wait until the bill is read.
Secretary: (reading) "Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 82, and respectfully recommends that Proposition No. 82 be indefinitely postponed inasmuch as your committee has prepared a substitute therefor and report that such substitute herewith with its recommendation that the Substitute proposition do pass."

Secretary: (reading) "The undersigned minority of the standing committee on judiciary recommend the adoption of the following substitute Proposition for majority committee report, Committee Substitute Proposition No. 82.
H. R. Wood, Morris Goldwater,
Edward M. Doe."

Mr. Cunniff: Mr. Chairman, I move that consideration of this measure be postponed until Monday morning.

Mr. Jones of Maricopa: Mr. Chairman, I second the motion of the gentleman from Yavapai:
Mr. Chairman: Gentlemen, it has been moved and seconded that further consideration of this Proposition be postponed until Monday morning.
Mr. Cunniff: Mr. Chairman, this is one of the most technical questions to be considered and one that requires much careful and deep study, and I consider it such a serious question that only those of more than ordinary comprehension can be prepared to vote upon it. For that reason I desire to have more time in which to consider it, in order that when I come to vote upon it I may do so honestly and intelligently, and to speak for the entire delegation from Yavapai county, I would state that we are unanimously in favor of postponing consideration of the question until Monday morning. I frankly confess that I have not a thorough understanding of the measure, and since it is of the same importance as the initiative and referendum, I think that we should devote asmuch time for careful thought and study and it certainly requires more than this; therefore, I desire to postpone further consideration of the measure.
Mr. Doe: Mr. Chairman, I heartily agree with the gentleman from Yavapai in this matter for the question at issue is one the very important matters to be considered, and we cannot afford to take any hasty action upon this measure. This is an amendment to a long tried system and as it is entirely new we must not take action upon it until every member has an understanding of it to his satisfaction as to its virtues or its merits and demerits and every member should go into the details before attempting to pass upon it. If any member or any number of members are in doubt as to it being all right or are not familiar with the system, which is a radical system, I would suggest that they make a more careful and a very thorough examination before voting upon the measure.
Mr. Cunningham: If the gentlemen have not had time to consider this measure since the 8th, I do not know when they will have the time to do so. It is true that the Substitute Proposition contains measures that are somewhat radical, but we thought that in the judiciary system it wouldbe profitable in order to save time and law suits. If the gentlemen will only observe the system they will see that this follows the system used in the State of Washington, and also with the exception of one provision, in the State of California, with which all of the Attorneys of Arizona are very familiar. They give their publications in the Pacific Reporter and this includes all the pacific coast states, Arizona and New Mexico included, and every attorney is no doubt familiar with this system of the superior court. In looking over the majority of states that follow that system of juris-prudence this is an innovation, and if there is any place that we do need an innovation it is in Arizona.
Mr. Jones of Maricopa: Mr. Chairman, I rise to a point of order. The gentleman is not speakkng to the question, but is speaking of the merits of the proposition, which the question to postpone is before the committee.
Mr. Cunniff: Mr. Chairman, might I ask the gentleman from Cochise a question?
Mr. Chairman: Will the gentleman from Cochise yield to a question from the gentleman from Yavapai?
Mr. Cunningham: The gentleman from Cochise will yield.

Mr. Cunniff: I understand that you say that the proposition has been ready forfour days, yet we have had the printed copies upon our desks but twenty-four hours?
Mr. Cunningham: Had it not been for the fair they would have been ready before.
Mr. Cunningham: If the members here will give any plausible reason why this should be postponed I should not seriously object, but since we have had communications from all over the territory advising that this measure be adopted, and there has been ample information given upon it not only from this convention but from almost every county, the only county objecting at all was Yavapai, and if any member is not informed upon the measure it is his owm fault and why should we delay this matter when the valuable time of the convention is so limited? I have raised my voice in the convention hall many times for speedy work and for the consideration of matters without unnecessary delays and to get down to work, and I am pleading the same cause when I ask that this matter be not postponed. It is an absolute waste of time to postpone these matters when they are ready for action and I say let us get down to work upon them at once without delay.
Mr. Cunniff: The gentleman from Cochise does not seem to understand what I said.
Mr. Cunningham: I understand you well, aswell as anyone could.
Mr. Cunniff: It is not only myself and the Yavapai delegation who would ask for this postponement of the proposition, but many members who do not understand the measure and desire further time in which to consider the technical points of the question, and there are some of us who have no more than ordinary comprehension and intelligence upon such questions, and therefore we require some time to devote to careful study upon such measures before taking action upon them. We hesitate to vote upon a question which has been before us so short a time. We are not awaiting any further information from any source, but just simply for time to give this our careful consideration.
Mr. Jones of Yavapai: The gentleman from Cochise and all the lawyers are familiar with this measure, but there are a number here, in fact a majority, who are not lawyers and are not as familiar with such measures, and who have not given this matter sufficient study, and therefore to do justice to ourselves as well as to the proposition we ask for further consideration.
Mr. Doe: I desire to raise my voice against hasty consideration of this measure, and to say that if any member is not prepared to vote on it, that he should be given time for consideration and I desire to call the attention of the convention that it would be well for all to give the measure study and deep thought. I am sure that it is the sincere purpose of the gentleman who desire the question postponed to give it careful and thoughtful and honest consideration and I am, myself, in favor of doing the same.
Mr. Franklin: In view of the fact that the gentlemen, or some of the members are wishing more light upon the subject, and further study of the measure, I would suggest that they could get the desired information by a discussion of the proposition in this committee, and I would suggest that the proper time for information and study is right now, while the question is before the committee. I am certain that such knowledge as is desired can be gotten by these discussions by both the

members of the legal profession as well as others, and I am opposed to postponing the proposition for consideration to any date later than the time it was to be discussed and considered by this committee.

Mr. Cunniff: I should like to know who, whether he be a member of the legal profession or not, has had time to consider this measure carefully and render a vote upon it when it has been here but twenty-four hours, and we have had no opportunity during that time which could have been or that has been devoted to the study of this proposition.

Mr. Chairman: Gentlemen, the question is on the postponement of the consideration of Proposition No. 82 until Monday morning. Those in favor of the motion will answer aye; those opposed, no. The secretary will call the roll.

Roll call showed 24 ayes and 20 nays.

Mr. Chairman: The motion is carried and the proposition will be considered Monday morning.

Mr. Jones of Yavapai: I move that we proceed to the consideration of Proposition No. 62.

Mr. Chairman: If there are no objections the committee will proceed to the consideration of Proposition No. 62. What is your pleasure?

Mr. Jones of Yavapai: Mr. Chairman, I move that when the committee arises that it recommend that Proposition No. 62, as amended, do pass.

Mr. Cunniff: Mr. Chairman, I second the motion.

Mr. Ingraham: Mr. Chairman, I can see some mistakes in the measure that I think should be corrected. I think that the words "state officers" is a broad term. The question will arise: Will notaries public and school trustees be termed such officers, those officers who are paid by fees. I think that this mistake must have unwittingly been made. I believe that is more corruption in paying officers by fees than in any other way. In some places where the compensation is small their work is also small, but in the larger cities and towns where there is a great deal of work required by such officers I believe that it is right to grant that a salary be fixed by law. I am ready to offer that suggestion, but I am not prepared to give it as an amendment.

Mr. Short: I would like to know what you would term a school trustee, or a notary public and what is their compensation? I have been a trustee a number of years and I did not know that there was any compensation. If there is I would like to know what it is.

Mr. Ingraham: I say that is the point. I should like to suggest that some amendment be made to define the officers and what they are and the compensation or salary allowed them.

Mr. Short: Do you say the school trustees and notaries public are state officers?

Mr. Chairman: Will the gentleman please address their remarks to the chair.

Mr. Ingraham: That is my question: Are notaries public state officers?

Mr. Short: The matter was discussed in the committee and a unanimous decision was reached to the effect that they were not state officers, but we had instructions to decide the other question and I do not place any definition upon the office of the justice of the peace. I do not think our decision applies to the justice of the peace or any other officer. In section 2, or the same section at least, something is omitted with reference to the salary of the sheriff.

Mr. Weinberger: Mr. Chairman, I would say that the reason that this part of the proposition was eliminated was because we felt that it was purely a legislative matter, and that the legislature should provide the services and salary of that office. The constitution should not enter into the details of these matters but should leave it to the legislature to make provisions for carrying into effect the fundamental laws herein provided for by the constitution.

Mr. Jones of Maricopa: I think that the report of the committee should include the justice of the peace and should provide for the office, and that is one office that is often the greatest field of work and especially in larger cities and towns, which require much time and attention by that officer; therefore, I think that provision should be made for this office.

Mr. Parsons: I have to take issue from the gentleman from Gila, Mr. Weinberger. This is a matter to be determined by the legislature, but where there are fees allowed by law it is a part of the official perquisites, and if this is arranged by law it must be done by the legislature.

Mr. Baker: If it is a question of state officers or county officers that you are trying to determine we can only quote from the statutes that are in effect in the territory now. The statutes show that the following are county officers: Probate Judge, district attorney, sheriff, treasurer, assessor, tax collector, recorder, surveyor, school superintendent, clerk of the probate court, supervisors, and clerk of the board of supervisors. These are designated by the revised statutes.

Mr. Orme: Mr. Chairman, I move you that an amendment be made to the committee proposition, that justices of the peace be included. The reason for this being that in the larger cities and towns that this is the most expensive court we have. The records show that in Cochise county the justice courts cost $68,000 per year and in Maricopa County $32,000. In Phoenix the precinct officer receives more pay than the supreme judge. It is the most expensive part of the official machinery.

Mr. Chairman: Is that your amendment Mr. Orme, will you please restate it?

Mr. Orme: I move to amend the committee report by including the office of the justice of the peace.

Mr. Doe: I agree with the gentleman from Cochise. It seems to me that the fixing of these offices and officers is a matter for the legislature. There are always great changes taking place and salaries are changed. Either raised or lowered by the legislature, according to the requirements of the age, and it is useless to place a measure like this with definite officers and their fixed salaries into our fundamental laws. This is a matter of legislation and should be determined by that body.

Mr. Weinberger: While I am in favor of justices of the peace being paid a salary rather than a fee, if there was a definite and fixed salary for that office, it would mean a nice fat salary to some justices who had nothing in the world to do and others who were overworked would be limited in accordance.

Mr. Chairman: Gentlemen, the amendment of Mr. Orme, is to the effect that justices of the peace be included in Section 1.

Mr. Ingraham: In regard to the amendment, I will say I am in favor of the general plan, but I am not in favor of the details in page 143. The gentleman will notice that Proposition No. 144 has that designated constables in precincts where the number of votes exceed 400 shall receive a salary fixed by the legislature. Where the votes are less in number than the fee system is recommended. It is very difficult matter to fix the salaries of justices of the peace in the constitution as there is such a difference in their work; for instance in the large towns and cities the justice of the peace has more work than any officer of the lower court, while in some places there will only be two or three cases in a year and sometimes none at all. The only way to solve the problem with regard to regulating the salary fixed according to the number of population.

Mr. Jones of Yavapai: There would be some difficulty in fixing the salary in the manner explained by the gentleman from Yuma, as in the towns along the main lines of the railroad there is a moving population and in such instances it seems to me that the only way would be the fee system.

Mr. Chairman: Gentlemen, are you ready for the question?

Mr. Franklin: I would explain that when the question came before the committee it was discussed very thoroughly and it was thought best to provide by law that in the incorporated cities and towns, the justices of the peace should be allowed a salary and in the smaller towns the fee system could be used, but the justices who were paid by salary could not accept any money by fee.

Mr. Short: I would like to ask the gentleman from Maricopa, Mr. Orme, if this amendment should include school trustees?

Mr. Orme: School trustees are not precinct officers.

Mr. Short: That is the question, I would like to know what they are.

Mr. Orme: The gentleman from Yuma should know as he is a lawyer.

Mr. Short: Mr. Chairman, that is the first time I was ever accused of being a lawyer or belonging to the legal profession.

Mr. Chairman: The secretary will call the roll on the amendment of Mr. Orme.

Roll Call showed 20 ayes and 22 nays.

Mr. Chairman: The amendment is lost.

Mr. Kingan: It seems to me that in this matter there is a great deal omitted that should be included or explained in this proposition and I see no opportunity for an amendment which I am preparing to offer.

Mr. Chairman: Please reduce it to writing.

Mr. Kingan: (reading section 1) "All state and county officers (except notaries public) and all justices of the peace and constables within cities and towns, shall be paid fixed and definite salaries, and they shall receive no fees for their own use." The rest of it seems to me is purely for the legislature to determine. The abuses in regard to the justices of the peace I believe have largely arisen in towns and cities. I do not know of any instances of abuse in the country districts. I therefore, move, Mr. Chairman, to amend Section 1 of this proposition to read as follows: "All state and county officers and all justices of the peace within cities and towns to be paid fixed and definite salaries," and all the rest of the proposition be stricken out.

Mr. Hunt: I desire to second the amendment.

Mr. Ingraham: I wish to amend the amendment by adding the words "provided that this section shall not apply to notaries public."

Mr. Parsons: What was the amendment?

Mr. Ingraham: Adding the words to the amendment of Mr. Kingan, "provided that this section shall not apply to notaries public." The reason for the motion is that the notaries public must be either state or county officers, and I do not believe it is the intention of any of the gentlemen to have a fixed salary fornotaries public.

Mr. Wells: Mr. President, in the definition of county officers that we have had given to us today a notary public is a county officer because his jurisdiction is confined to the county. I think if Mr. Kingan would include that as part of the amendment it would be well.

Mr. Baker: I would ask the gentleman from Pima county if he would accept another amendment and add the word "constables." I am informed that the constables of this city earn from $400 to $600 a month in the way of fees in making arrests and subpoenaing witnesses. The evil of excessive fees arises with the constables just as much as with the justices of the peace of cities and towns, and I move that the word "constables" be added.

Mr. Kingan: I accept.

Mr. Franklin: It might be doubtful under the phraseology of this amendment of the gentleman from Pima that the legislature would be prohibitied from adding fees to these definite and fixed salaries. I would ask the gentleman from Pima if he would accept a further amendment, "and they shall receive no fees for their own use."

Mr. Chairman: Will the gentleman from Pima, Mr. Kingan, accept the amendment?

Mr. Kingan: I would like just a moment to write this out.

Mr. Short: While the gentleman is writing out the amendment I would like to state that this will not right an evil that exists along railroad lines in certain parts of Arizona. For instance, as Mr. Jones of Yavapai has said, along the main line of railroads the justice of the peace is located in a small town. His precinct may extend for a considerable distance and the number of arrests made and prosecutions before those justices of the peace are enormous, and the amount of fees that are collected are far in excess of the services rendered. I fear that while this would in most cases abolish the evil of the fee system, in some instances it would not touch it, and I believe that unless some other amendment is offered that would correct the evil in these places that it is better as it now stands.

Mr. Weinberger: Mr. Chairman, I want to say with reference to the amendment, so far as constables are concerned, often times after a constable is elected the sheriff will appoint him a deputy so that all the fees he collects will go into the sheriff's pocket, and if you allow this provision to carry a constable will receive a salary when he is already receiving a salary from the sheriff. Some sheriffs do not perform any services. I know of several instances in our county where constables have been elected and they have also been appointed deputy sheriffs. If you are going to pay theman additional salary as specified, they will be receiving two salaries.

Mr. Cunniff: Mr. Chairman, I want to say to the gentleman that I do not think that has any application. It is simply a limitation on the legislature that they shall be paid salaries instead of fees. It does not mean that every constable shall receive a salary. He may not be given any compensation. It simply means that if he receive compensation it shall be a salary. This does not say incorporated cities and towns, so it will apply to all towns whether incorporated or not.

Mr. Short: Mr. Chairman, when you say that all state and county officers, justices of the peace and constables shall be paid fixed and definite salaries, I do not see how you

can construe it to mean anything else.
Mr. Weinberger: Mr. Chairman, I see another flaw in that amendment so far as justices of the peace are concerned. They are not justices of the peace within the city and town, but within the precinct, and their jurisdiction extends without the precinct. The same applies insofar as constables are concerned. Here you are saying that justices of the peace and constables shall receive fixed and definite salaries, and it seems to me that is ambiguous.
Mr. Kingan: Mr. Chairman, I cannot see any ambiguity there. It seems to me that any justice's precinct, which is within the boundaries of the city or town, shall come under this amendment. Any justice of the peace whose precinct includes that town--of course he is not sitting for the town, but where the precinct is within the town he shall not receive fees, but shall receive a salary.
Mr. Lynch: I would like to call the attention of the gentleman from Pima to this fact that the word "town" includes not only incorporated towns but unincorporated towns. Under that statement offacts I doubt if there is a justice's precinct within the territory of Arizona which does not include some town. Is not that a fact? I cannot recall one in Graham County or Greenlee county, which does not embrace within its boundaries some small town. Practically every justice of the peace within the territory of Arizona would be on a salary basis under the amendment as it now stands.
Mr. Chairman: The question is on the amendment as offered by the gentleman from Pima, Mr. Kingan.
(Speech by Mr. Cassidy omitted and sent to him)
Mr. Franklin: I think there is a sufficient frame-work here in the amendment offered by the gentleman from Pima to enable the legislature to fix this subject definitely so that we will get the idea we want, and that is that these officers shall have salaries and not fees. I am in favor of the amendment provided, but I want to offer another amendment to the amendment, and that is that following the amendment of the gentleman from Pima we add these words "and they shall receive no fee for their own use."
Mr. Hunt: I second that amendment.
Mr. Chairman: You have heard the amendment. Are you ready for the question? All those in favor will say aye; contrary minded, no. The ayes have it. The amendment is adopted. The question now is on the amendment of the gentleman from Pima, Mr. Kingan. Are you ready for the question?
Mr. Parsons: I want to ask if that is to take the place of the whole proposition?
Mr. Doe: Mr. Chairman, in answer to the objection of the inconvenience that would arise in regard to justices of the peace who might reside in a small village, I understand that to be one of the objections. Now it seems to me that might be obviated by a classification which the legislature may adopt, according to the population.
Mr. Short: Mr. Chairman, I am satisfied that the way the amendment reads is not what the gentleman from Pima intended. It says "except notaries public and justices of the peace and constables, be paid fixed salaries," and I am satisfied that is not what the gentleman intends. My understanding was he wanted to include in the offfcers receiving fixed and definite salaries those of justices of the peace and constables. That means exactly the opposite thing.

Mr. Kingan: Mr. Chairman, I would say that the way that amendment reads is this: "All state and county officers (bracket) except notaries public (bracket) and all justices of the Peace and Constable within cities and towns shall be paid fixed and definite salaries, and they shall receive no fees for their own use."
Mr. Chairman: The question is on the amendment as offered by the gentleman from Pima, Mr. Kingan. All those in favor will signify by saying aye; those contrary minded, no. The ayes have it. The amendment is adopted. The question now is on the original motion that when the committee arises it report back to the convention that Proposition No. 62 as amended and as recommended by the committee on executive, impeachment and removal from office do pass.
Mr. Winsor: Would not the question be upon the recommendation of the adoption of the proposition as amended by the gentleman from Pima?
Mr. Chairman: The chair stands corrected.
Mr. Ingraham: Mr. Chairman, would it not be necessary to make an amendment to Section 2? Section 2 provides for accounts being rendered.
Mr. Chairman: The gentleman from Pima's amendment, as I understand it, was a substitute for this entire proposition. It has been moved and seconded that when the committee arises it recommend that Proposition No. 62 be adopted as amended, by the committee of the whole. Are you ready for the question? All those in favor will signify by saying aye; contrary minded no. The ayes have it. So ordered. The next proposition to come before the committee is proposition No. 114. What is your pleasure?
Mr. Short: Mr. Chairman, I move that the report of the committee be adopted.
Mr. Parsons: I second the motion.
Mr. Winsor: I move you that when the committee arises it recommend that proposition No. 114 be indefinitely postponed.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Chairman: The next proposition is Proposition No. 80. What is your pleasure?
Mr. Weinberger: I move that when the committee arises it report and recommend that Proposition No. 80 be indefinitely postponed.
Mr. Kingan: I second the motion.
Mr. Chairman: It has been moved and seconded that Proposition No. 80 be indefinitely postponed.
Mr. Winsor: I would ask for information. Is this matter covered in another proposition that is to come before the committee of the whole.
Mr. Ingraham: Mr. Chairman, I move that the consideration of this question be postponed until the committee's substitute proposition be considered.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Chairman: The next proposition is Proposition No. 57.
Mr. Coker: Mr. Chairman, inasmuch as this matter has been covered by No. 62, I move that when the committee arises it recommend the indefinite postponement of this proposition.
Mr. Moore: I second the motion.
The motion prevailed.
Mr. Chairman: The next proposition is Proposition No. 125.
Mr. Cassidy: Mr. Chairman, I move that when the committee do arise it recommend that Proposition No. 125 be adopted.
Mr. Short: I second the motion.

Mr. Orme: Mr. Chairman, I am heartily in favor of this proposition, having been a supervisor for a number of years. Prior to the time that we had a public examiner, we had about four treasurers in the territory, who were behind in their accounts. We had a great deal of trouble. Every surety company withdrew from the bonds of every treasurer in the territory. It was utterly impossible to get anything but personal bonds. After we provided for a public examiner the surety companies all came back. They received their reports and we had no trouble, but the guarantee companies at that time would receive sworn statements from the supervisors to the examiner. As long as we had an examiner there was no trouble in any way. The county officials had to report to the supervisors every thirty days, which they did without any trouble. When we have no examiner every county official is more or less negligent. The board has to compel him to put in his report the first of the month,-at least the most of them,- and I think it is one of the most important offices. I think it would save the state more money than any other office that we could create.

Mr. Baker: I am in favor of the proposition. I think we ought to have a state examiner. I think such an office is a very valuable one to any people, but I want it understood so far as I am concerned, that I do not put my faith in this proposition upon the fact that Guarantee companies at one time retired from these bonds and at another time came back. If they did come back they have never yet paid a single cent on the defaulting officers so far as I know; so I do not pin my faith to the fact that they have come back here, but I am in favor of the proposition.

Mr. Ingraham: Mr. Chairman, I am heartily in favor of this proposition, but there is one phrase about which I am uncertain as to the meaning. In line 5, in speaking of the corporations in which the candidates for state examiner shall not be interested, it says: "who is not a stockholder, officer, trustee, assignee or employee of any banking, monied or savings institution." I would like to call attention to the word "monied." Just what the meaning of that expression in this connection is it seems to me indefinite. Now if it means having money, that would be a pretty sweeping restriction.

Mr. Jones of Yavapai: I move as an amendment to the motion that Proposition No. 125 be considered that it be postponed and considered at the same time we consider Proposition No. 33, being a substitute proposition of the committee on executive, which takes into consideration all executive officers of the state, and I think it would be well to consider this public examiner along with those others.

Mr. Cunniff: I second the motion.

Mr. Winsor: I am very much opposed to the motion to postpone consideration of this proposition. It has nothing whatever to do with consideration of the other executive officers of the state. It is a subject separate and distinct, and we can consider it right now as well as we can at any other time, and I am getting very tired of our habit of procrastination.

Mr. Orme: I am opposed to putting this off. It is a distinct officer, and I am heartily in favor of passing on it now.

Mr. Weinberger: I want to say this was reported out of the executive committee, and it was reported at the same time that proposition No. 33 was reported, and if they had any connection certainly this proposition would have been included in the substitute committee's report. I believe this matter is separate from that report, and it is before us, and we ought to consider it.

Mr. Moeur: I move we strike out the word "monied" in line 5 and adopt the proposition as read.

Mr. Ingrham: I second the motion.

The motion failed.

Mr. Moeur: I move that Proposition No. 125 be amended by striking out the word "monied" and inserting in lieu thereof the word "trust" in line 5.

Mr. Ingraham: I second the motion.

Mr. Coker: I move an amendment to the amendment that all ofthat portion of paragraph 1 after the word "accountant" on line 1 be stricken out down to and including the word "thereof" on line 6. It seems to me that is purely a legislative matter.

Mr. Winsor: It would not tell what this officer was at all.

Mr. Weinberger: I will say that the committee tried to tear this apart like Mr. Coker, and failed to do so. If you eliminate anything from this section you destroy the very object for which it has been proposed, and I believe there is no legislation within this section.

Mr. Coker: I withdraw the motion.

Mr. Lynch: Mr. Chairman, I think the first paragraph does not state what the person is appointed for. It says we shall appoint a person who is an accountant. Section 2 goes on with the official duties of the state examiner, but the first section does not state there is a state examiner.

Mr. Short: The heading of the proposition says "A Proposition relative to the creation of the office of state examiner."

Mr. Lynch: Let me state that the heading of the proposition "relative to the creating of the office of state examiner," does not go into the proposition, and when your constitution is completed you have nothing to indicate what you are appointing.

Mr. Doe: Mr. Chairman, I move to amend the amendment by inserting in the 7th line after the word "Senate" the words "as Public Examiner."

Mr. Winsor: I believe we could get a little better sense out of that if you would insert after the word "thereof" in line 6, the words "to be known as state examiner."

Mr. Cunniff: Mr. Chairman, I agree heartily with the gentleman from Graham. The main feature in any proposition is that it shall state the purpose for which it has been adopted. The purpose of this office should be stated, however, briefly.

Mr. Winsor: The second paragraph states the duties of the office of the state examiner.

Mr. Cunniff: It states the duties but not the purpose of this office. I move that this proposition be referred to the committee that reported it in order that proper correction may be made.

Mr. Jones of Yavapai: I second the motion.

Mr. Winsor: If we get the sense of this proposition we can trust the committee on style, revision and compilation to so arrange it as to be acceptable to the convention. I think we should get what we are after here and pass upon it.

Mr. Weinberger: I agree that with the adoption of the amendment of Mr. Doe the sense will be complete.

Mr. Cunniff: It does not seem so to me. It would be a very simple matter to have the committee put in the clause that is necessary.

Mr. Chairman: What committee?

Mr. Cunniff: The committee that reported; the committee on executive, impeachment and removal from office.

Mr. Doe: I ask leave to withdraw my amendment and second the amendment of the gentleman from Yavapai.

Mr. Chairman: The question is on the amendment of proposition No. 125, that it be referred to the committee on executive, impeachment and removal from office. Those in favor signify by saying aye; contrary minded no. The ayes have it. The next proposition is proposition No. 74.

Mr. Cunniff: I move that when this committee do rise it report with the recommendation that the majority report of the suffrage and election committee on proposition No. 74 be adopted.

Mr. Parsons: I second the motion.

Mr. Jones of Yavapai: I move you that the proposition on the minority report be adopted.

Mr. Winsor: Mr. Chairman, I think that inasmuch as the author of this proposition is not present, out of courtesy to him action should be deferred.

Mr. Chairman: Mr. Jones of Yavapai moves to amend by substituting the the minority report for that of the majority. The question is on the amendment of the gentleman from Yavapai, Mr. Jones.

Mr. Chairman: Are you ready for the qaestion? All those in favor of substituting the minority report for the majority will signify by saying aye; those opposed no. The nays have it. The question now is on the motion that when the committee arises it recommend to the convention that the majority report be adopted. Are you ready for the question? All those in favor signify by saying aye; contrary minded no. The ayes have it. The next proposition is proposition No. 71. What is your pleasure?

Mr. Feeney: Mr. Chairman, I did not expect that the judiciary committee would recommend any other course than that it be postponed, and that was the reason why I introduced this proposition. (applause) I offered it to some extent so as to reach the judiciary. Labor has never suffered under laws made by the legislature. It has suffered under judge-made laws, and until a few days ago there was a door, but we did not have the key, but we have it now. I will not force the measure, but as it reads "the people shall at all times have the right to organize for the advancement of their interests." That is horrible, isn't it? "To abstain from work for any employer individually or collectively, for any reason deemed sufficient to them." They have deemed it sufficient, and have been compelled by a federal judge to remain at work.

Mr. Weinberger: Do I understand that the gentleman is not urging the adoption of this?

Mr. Chairman: The point of order is well taken, because there is nothing before the committee except this proposition.

Mr. Feeney: The judiciary committee has recommended that it be not adopted. "To attend peaceably in any numbers about any place of work for the purpose of giving information about pending controversies." I object to labor going in and trespassing. I want them to have the privilege of pleading peacefully with their fellowmen, and that also should be written into the constitution because of the fact that by the use of the injunction they have been compelled-- not even allowed to walk in the same block where these conditions existed. "The people shall have the right to individually or collectively abstain from dealing with or patronizing any individual, firm, partnership, association, or corporation, and to persuade others to do so by speech or print." That is supposed to be included in the bill of rights, and I think it is well touched upon, and I want to express to you that when I put this proposition before the convention it was not in the shape of a bomb or a declaration of war; it was simply asking for the rights that have been denied to labor.

Mr. Cunningham: I move that when this committee arises it report to the convention and recommend that this measure be indefinitely postponed.

Mr. Jones of Yavapai: I second the motion.

Mr. Chairman: It has been moved and seconded that when this committee do arise and report back to the convention that it recommend that this measure be indefinitely postponed.

Roll call showed 27ayes and 16 nays.

Mr. Cunniff: I should like to explain my vote on that proposition. I am in sympathy with the position of the gentleman who introduced it, but the proposition as here introduced goes altogether too far. The decision of the United StatesSupreme Court in the Danbury Hatters case would interfere with this proposition. I do not think it would be constitutional, and therefore I oppose the proposition as it stands.

Mr. Feeney: I would like to inform the gentleman from Yavapai that the decision of the supreme court of California goes in the other direction.

Mr. Cunniff: I should like to explain that the decision of the Supreme Court of the United States overrides that of the Supreme Court of California.

Mr. Chairman: The motion is carried. The next business before the committee is consideration of Proposition No. 92.

Mr. Cunningham: I move that the report of the judiciary committee be approved, and when this committee arises it recommend that Proposition No. 92 be indefinitely postponed.

Mr. Parsons: I second the motion.

Mr. Cunningham: In this connection, I desire to say as my reason for this action, that this state would have no right to set down the qualifications for United States senators, as the United States Constitution does that.

Mr. Chairman: It has been moved and seconded that the committee recommend to the convention that further consideration of Proposition No. 92 be indefinitely postponed. All thoe in favor, answer aye; contrary minded no. The ayes have it, and it is so ordered. Proposition No. 135 relative to married women's property is next.

Mr. Cunniff: I move that when this committee rise it recommend that the report of the judiciary committee on this proposition be not adopted, and that the committee of the whole recommend that the proposition pass.

Mr. Roberts: I second the motion.

Mr. Cunningham: I offer an amendment to that motion, that when this committee arise, it report a recommendation that the report of the committee be adopted, and that proposition No. 135 be indefinitely postponed.

Mr. Weinberger: I second that motion.

Mr. Lynch: I wish to explain that the statement of the proposition is simply a statement of the law as it exists today. This is a statutory matter, and inasmuch as to the statute covers it exactly as it stands, (without including the word "rightfully" which has no place there) we see no reason for cumbering the constitution with the proposition.

(Speech by Mr. Baker omitted and sent to him)

Mr. Parsons: I desire to add just one word to what the gentleman from Maricopa has said in explanation of why I signed and support the report of the committee. This is certainly a legislative matter, and our statute now expresses it much more clearly than it is expressed in the proposed section to be incorporated in our constitution. It settles the question without invoking the court. It is not a question as to what a woman is lawfully or rightfully entitled to. I therefore am in favor of the report of the committee.

Mr. Cunniff: I should like to say in answer to the gentleman from Yuma that I took the same position on the matter of juvenile courts as I did on this matter. However, that adverse report mentioned by the gentleman was only the report of the judiciary committee, and I do not think the convention is going to report adversely upon it. I trust this convention will have the spirit to refuse to accept the committee report on that subject as well as on this question.

Mr. Chairman: The question is on the amendment to the original motion that when this committee arises to report to the convention a recommendation that this proposition be indefinitely postponed.

(Speech) By Mr. Ellinwood omitted and sent to him)

Mr. Cunniff: I should like to say that the Ten Commandments might be expanded, and these statutes of Arizona may well be expanded to the extent of the North Dakota statutes.

Mr. Chairman: You have heard the motion with the amendment that when the committee arises it recommend that Proposition No. 135 be indefinitely postponed. All those in favor will signify by saying aye; all opposed no. The ayes have it, and it is so ordered. The committee will report back a recommendation that the proposition be indefinitely postponed. The next proposition is No. 139 with majority and minority reports.

Mr. Short: It has been intimated by members of the judiciary committee that provision in the judiciary substitute has been made for some provisions of this kind. I have failed to find it, but I move that this proposition be postponed to be considered with Substitute Proposition No. 82.

Mr. Weinberger: I move to amend that Proposition No. 140 relative to the same matter be also postponed until the report of the committee on judiciary is before the convention.

Mr. Ingraham: As far as I have observed, the judiciary committee has brought in no proposition that touches these points in any manner whatever. I do not think anything would be gained by postponing them until the consideration of other matters which have no relation to them. However, I see it is now 12 o'clock, and I will make a motion that the committee do now arise and report progress.

Mr. Lynch: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Osborn: Mr. President: Your committee of the whole, having had under consideration Proposition Nos. 82, substitute No. 82, minority substitute No. 82, No. 62, 114, 80, 57, 125, 74, 71, 92 and 135 begs leave to report as follows:

"That proposition No. 82 and substitute therefor be made special order for committee of the whole at morning session, November 14, 1910.".

Mr. Osborn: I move that the report be adopted, and that Proposition No. 82 and substitute therefor be made special order as recommended.
Mr. Jones of Yavapai: I second the motion.
Mr. President: If there is no objection, it is so ordered.
Secretary: (reading) "That substitute Proposition No. 62 do pass as amended."
Mr. Osborn: I move the report be adopted, and the proposition do pass.
Mr. President: If there is no objection, it will be so ordered. Shall it be engrossed and have a third reading?
Mr. Cunniff: I move that the proposition as amended be engrossed and have a third reading.
Mr. Jones of Yavapai: I second the motion.
Mr. President: Are there any objections? Hearing none, it is so ordered.
Secretary: (reading) "That proposition No. 114 be indefinitely postponed."
Mr. Osborn: I move the adoption of the report.
Mr. President: If there are no objections, the report of the committee will be adopted, and the question comes up on the indefinite postponement. All those in favor of indefinitely postponing will answer aye; those opposed no. The ayes have it, and it is so ordered.
Secretary: (reading) "That consideration of Proposition No. 80 be postponed until substitute is before the committee of the whole."
Mr. Osborn: I move the report be adopted.
Mr. President: If there are no objections, the report of the committee will be adopted, and consideration of proposition No. 80 will be postponed as suggested by the committee of the whole. Hearing none, it is so ordered.
(Secretary: reading) "That Proposition No. 57 be indefinitely postponed."
Mr. Osborn: I move the report be adopted.
Mr. Short: I second the motion.
Mr. President: All in favor? All opposed? The ayes have it. Gentlemen of the convention all those in favor of indefinite postponement of Proposition No. 57 will answer aye; those opposed no. The ayes have it, and it is so ordered.
Secretary: (reading) "That proposition No. 125 be re-referred to committee on executive, impeachment and removal from office.
Mr. President: If there is no objection the report of the committee of the whole will be adopted, and it will be re-referred as recommended. Hearing no objection, it is so ordered.
Secretary: (reading) "That the majority report of the

committee on suffrage and election on proposition No. 74 be adopted."

Mr. Osborn: I move the report of the committee be adopted, and that further consideration of Proposition No. 74 be indefinitely postponed.

Mr. President: All those in favor of indefinitely postponing Proposition No. 74 will answer aye as their names are called. Those opposed no. The secretary will call the roll.

Roll call showed 31 ayes and 8 nays.

Mr. President: Gentlemen, proposition No. 74 has been indefinitely postponed.

Secretary: (reading) "that Proposition No. 71 be indefinitely postponed."

Mr. Osborn: I move the report be adopted.

Mr. Standage: I second the motion.

Mr. President: Those in favor, answer aye; those opposed no. The ayes have it, and it is so ordered. Those in favor of the indefinite postponement of Proposition No. 71 will answer aye; those opposed no. The ayes have it and it is so ordered.

Secretary: (reading) "That proposition No. 92 be indefinitely postponed."

Mr. Osborn: I move the report be adopted.

Mr. Standage: I second the motion.

Mr. President: Those in favor of the adoption of the report answer aye; those opposed no. The ayes have it. Those in favor of the indefinite postponement of Proposition No. 92 answer aye; all opposed no. The ayes have it, and it is so ordered.

Secretary: (reading) "That proposition No. 135 be indefinitely postponed."

Mr. President: If there is no objection, the report of the committee will be adopted. Those in favor of the indefinite postponement of Proposition No. 135 answer aye; those opposed no. The ayes have it, and it is so ordered.

Mr. Weinberger: I move we adjourn until 2 o'clock.

Mr. Parsons: I second the motion.

Mr. Connelly: I amend the motion to adjourn until 9:30 Monday morning.

Mr. Webb: I second the amendment.

Mr. President: Those in favor of adjourning to 9:30 Monday morning answer as their names are called; those opposed, no. Call the roll, Mr. Secretary.

Roll call showed 25 ayes and 13 nays.

Mr. President: The convention will stand adjourned to 9:30 Monday morning.

Convention adjourned until 9:30 a.m. November 14, 1910.

JOURNAL, November 14, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will arise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: The secretary will read the minutes.

Minutes read and approved.

Mr. President: Petitions, memorials and remonstrances.

Secretary: (reading) Resolution No. 14 by Mr. Cassidy.
Mr. Weinberger: I move that the resolution be adopted.
Mr. Cassidy: I second the motion.
The motion prevailed.
Mr. President: Reports of standing committees.
Mr. Wood: Your committee on finance has a report this morning.
Secretary reads report of committee on finance.
Mr. President: Any other committee reports this morning? Reports of select committees. Introduction of propositions. The order of the day.
Mr. Moeur: The committee on education have a report this morning.
Mr. President: If there are no objections we will refer back.
Secretary reads report of committee on education on Proposition No. 44, recommending that it do not pass.
Mr. President: If there are no objections it will come up in the committee of the whole tomorrow.
Secretary reads report of committee on education on Proposition No. 75, 73, 15, and 41, recommending that they do not pass.
Mr. President: It will come up in its regular order in committee of the whole.
Secretary reads report of committee on education on Substitute Proposition No. 15, recommending that it do pass.
Mr. President: Do you want the substitute read? Motion to have it printed is in order.
Mr. Cunniff: I move that it be referred to the committee on printing.
Mr. Winsor: If Proposition No. 15 is recommended for indefinite postponement, I cannot see how there can be any substitute for it. They can recommend a substitute for it, but they cannot recommend that one do not pass and the substitute for it do pass.
Secretary: It does not say what it is a substitute for. It should state it was a substitute for Proposition No. 15 recommended by the committee.
Mr. Winsor: The committee should recommend a substitute.
Mr. President: If there is no objection the secretary will make that correction, and the proposition will be referred to the printing committee and the usual number of copies ordered printed. Hearing no objection, it is so ordered.
Mr. Cunniff: Mr. President, I would like to make a remark. It would be of great assistance if when a committee makes a report the report state the reason why the committee indefinitely postpones a proposition, such as it being legislative, or not being sound, or whatever the reason may be, so we may have some guide when these reports come before the committee of the whole.
Mr. President: There are no other committee reports? Under our rules, gentlemen, the convention will resolve itself into the committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.
Mr. Chairman: The committee of the whole will come to order. The secretary will read the first proposition for consideration.
Secretary: The proposition is No. 82 and majority and minority recommendations thereon.
Mr. Winsor: Mr. Chairman, in order to expedite this business, I move you that the proposition be considered section by section, in accordance with our rules and that in the case of any section to which there appears to

be no objection it be donsidered as adopted by the committee of the whole.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Cunniff: There is a minority report.
Mr. Chairman: There is a minority substitute.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Chairman: It has been moved and seconded that the report of the committee be re-referred to the committee on judiciary with instructions to substitute the scheme embodied in the minority report for that embodied in the majority report. Are you ready for the question?
Mr. Kingan: It seems to me that before going further that the committee should be apprised of what is in the majority report and the scheme proposed by the majority of the committee. The committee has heard the minority report but the scheme presented by the majority of the committee on judiciary is not before the committee, and if we are going into the matter under the motion of the gentleman from Yavapai, I think for the benefit of all, it would be advisable to have the majority report read so that the committee may know what the two schemes are before they take any action.
Mr.Chairman: The motion originally put and carried was that we proceed to consider the majority report by sections. The request then to have the minority report read was complied with, and the chair will rule, if there is no objection, that we will now proceed to the reading of the majority report by sections, and that these other propositions are out of order.
Mr. Cunniff: I beg to point out that if it is read section by section it simply consists of endless propositions for amendment by putting in the district court instead of the supreme court.
Mr. Chairman: The committee of the whole has already decided to do that very thing by the motion as carried.
Mr. Wells: Proceeding according to the motion would deprive consideration of the substitute entirely because if the majority report is to be taken up section by section that precludes any consideration of the other whatever. The motion made by my colleague is to consider these two schemes. The scheme that is suggested by the substitute is one that we have practiced under for forty-six years.
Mr. Cunniff: Will the gentleman yield to a question? I submit that this motion I have made and as amended by Mr. Cunningham is in order.
Mr. Wells: We would like to have them considered together and not bar the substitute from being considered by proceeding under the present motion. I think we ought to have them considered together if at all.
Mr. Chairman: Just a moment. Will the secretary read the first section of the majority report?
(Secretary reads)
Mr. Chairman: This is under discussion as to the system of courts, which is before the convention--
Mr. Cunniff: I would ask if the chair will not rule that the motion of mine is in order and bearing on that phrase "superior court" in the first section.
Mr. Chairman: Your motion, Mr. Cunniff:
Mr. Cunniff: Yes sir.
Mr. Cobb: I think the solution of this question is to reconsider the first motion as carried and read the majority report in full. Then we will have both.
Mr. Ellinwood: I think this matter can be reached in

accordance with the desire of the gentleman from Yavapai, Mr. Cunniff. I understand he moved that the substitute report of the minority be the scheme upon which this judiciary system is to be built. The motion of the gentlem an from Cochise, Mr. Cunningham, is that the scheme of the majority should prevail. I move an amendment to Mr. Cunningham's motion that the scheme of the majority be adopted subject to such amendments as may be made by the committee of the whole. Let us put it squarely before the committee of the whole as to whether they desire a district court system or a superior court system.

Mr. Cunniff: I think upon that motion the discussion may well proceed.

Mr. Franklin: Mr. Chairman, for my information I would like to have the scheme of the judiciary substitute proposition No. 82 read in full.

Mr. Cobb: As I understand you ruled all of these motions out of order. I move to reconsider the vote which was first taken , that is, that was passed calling for reading of the minority report in full.

Mr. Winsor: I second the motion.

Mr. Chairman: It has been moved and seconded that we reconsider the first vote by which it was decided to consider Proposition No. 82 by paragraphs.

Call the roll Mr. Secretary.

Roll call showed 37 ayes and 10 nays.

Mr. Chairman: The motion is carried.

Mr. Cunniff: Mr. Chairman, I move you that Section 1 in the minority report be substituted for section 1 in the majority report.

Mr. Jones of Yavapai: I second the motion.

Mr. Cobb: Mr. Chairman: I would suggest to the gentleman from Yavapai, that the whole proposition be read so that we can get a full a complete understanding.

Mr. Cunniff: I accept that suggestion.

Mr. Chairman: The question is to substitute Section 1 of the minority report for the same section of the majority report. The secretary will read the reports for the benefit and information of the members.

Secretary reads proposition and reports.

Mr. Chairman: Gentlemen, you have heard the reading of the reports. The question now comes before the house, the motion of the gentleman from Yavapai, Mr. Cunniff, "to substitute Section 1 in the minority report for Section 1 in the majority report."

Mr. Baker: I hope that this measure will not prevail, I will briefly state my reasons. The provisions of this substitute are that they substitute the district and supreme court system for the superior court system. The question now is one or two systems, in either the majority or minority reports concerning the judiciary. The superior court system is this: There is given to the superior court the same jurisdiction that the supreme courts have in the Territory. That means we provide for a double appeal, which offten occurs, and with much cost and expense to the territory. If a party is dissatisfied he appeals from the justice of the peace to the district court. If the oppostte party is not then satisfied he then appeals to the supreme court. In the other system you have two courts operating in the county at the expense of the taxpayers. One court can very easily perform at a less expense to the taxpayer than two courts. This is my reason for favoring the superior court system.

Mr. Cunniff: Will the gentleman from Maricopa yield to a question?
Mr. Baker: Why yes, if I am able to answer the question.
Mr. Cunniff: Has the gentleman from Maricopa figured out the expense in both courts?
Mr. Baker: No, I have not figured out this cost or expense nor can any man do so, but I have figured out the expense as near as a man can, and have made comparisons as near as one could.
(Speech by Wells and Parsons omitted and sent to them)
Mr. Wells: Will the gentleman from Cochise yeild to a question from me?
Mr. Parsons: I yield to your question.
Mr. Wells: What is the proportionate number of cases appealed from the probate to the supreme or district courts? In my experience there have been comparatively few.
Mr. Parsons: Almost every case which involved $500 or more has been appealed to the district court. And I say, Mr. Chairman, why should we hesitate to adopt a system that is recommended by nine of the members of the committee, and those nine of ten are attorneys.
Mr. Cunniff: Mr. Chairman, can the gentleman explain why there is no more justice in Cochise county?
Mr. Parsons: I am not the judge, and you will have to go back to the people. This committee ought to be able to adopt a report such as has been recommended here with such amendments as the convention may wish to offer, but we do hope that this committee will not adopt the minority report.
Mr. Cooper: Mr. Chairman: I would like to say something on the matter of probate courts. I have the honor of being probate judge and I have seen the objectionable features of this court in every phase. I agree with the gentleman from Cochise in the matter of probate courts for there are few of the counties of the territory who have judges and attorneys or district attorneys who are capable of administering in these matters, and this is not meant for any reflection upon our able body of men of the legal profession. I would also add that the majority of county clerks or district court clerks are inefficient to attend to the work of the probate court, therefore I am in favor of the system recommended by the majority report.
Mr. Wells: May I ask the gentleman a question?
Mr. Cooper: I yield to the question.
Mr. Wells: I would ask whose duty is it to attend to the matters of the probate court?
Mr. Cooper: The probate court should look after all such matters as are appealed from the justice courts which is only a two fiddle arrangement and people coming to court with such haste that they leave all matters to the district clerk and the law. The duties are so many and so varied that he does not work without extra pay, and he besides being a probate court immediately becomes district-attorney, or prosecuting attorney after which he becomes the juge of his own work and in this I can see no justice at all; therefore, I am certainly in favor of the district court system and opposed to the probate court.
(Speech by Mr. Doe omitted and sent to him)
Mr. Moeur: Mr. Chairman, I am in favor of the superior court system if it will enable us to get rid of a republican probate judge who has been regularly elected for the last ten years and will be for the next ten if

something radical is not done. (laughter)
(Speech of Mr. Doe omitted and sent to him)
(Speech by Mr. Ingraham omitted and sent to him)
(Speech by Mr. Wood omitted and sentto him.)
(Speech by Mr. Kingan and sent to him)
Mr. Jones of Yavapai: I would like to ask if the change from the probate to the superior court does not necessarily carry with it compulsory employment of an attorney by each estate.
Mr. Ingraham: It is not necessary for any client in the district court now to employ an attorney unless he so wishes and the same rule would hold in the superior court. We are not changing the law in that regard.
Mr. Chairman: Read the question, Mr. Clerk.
Secretary: Mr. Cunniff moved to substitute Section 1 of the minority report for Section 1 of the majority report.
Mr. Chairman: All those in favor of the motion, signify by saying aye as their names are called; those opposed no.
Roll call showed 14 ayes and 36 nays.
Mr. Chairman: The motion is lost.
Mr. Winsor: I now move you that the committee arise and report progress, and ask leave to sit again this afternoon.
Mr. Moore: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Tuthill: Mr. President. Your committee of the whole, having had under consideration the report of the judiciary committee and the minority reports therewith, beg leave to report progress and asks leave to sit again.
Mr. President: If there is no objection, it will be so ordered.
Mr. Tuthill: I move we take a recess until 2 o'clock.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present.
The chair recognized the gentleman from Yuma, Mr. Winsor.
(Speech by Mr. Winsor omitted and sent to him).
(Speech of Mr. Parsons omitted and sent to him.
Mr. President: Gentlemen of the convention, the convention will now resolve itself into a committee of the whole on the question that was before it this morning, and the gentleman from Greenlee, Mr. Tuthill, will take the chair.
Mr. Chairman: The committee of the whole will come to order. We have before us the judiciary committee's substitute proposition No. 82. What is the will of the gentlemen of the committee?
Mr. Cunningham: Mr. Chairman, I move that Section 1 of the committee's substitute proposition No. 82 be reported by this committee and recommended for adoption by the convention.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Chairman: What is your further will?
Mr. Chairman: The secretary will read Section 2.
Secretary reads Section 2.
Mr. Chairman: Are there any objections to that section

as read?
Mr. Cunningham: I move it be adopted.
Mr. Jones of Maricopa: Mr. Chairman, I would like to ask some of the gentlemen to explain just what is meant by "non-judicial days." My interpretation would be days that the court is not in session, but this proposition states the court shall be in session on all days except on holidays. Now there seems to be some distinction without a difference.
Mr. Cunningham: I would say that "non-judicial days" would be interpreted as Sundays and holidays.
Mr. Lynch: The statutes at present determine what are non-judicial days.
Mr. Cunningham: I move the adoption of Section 2.
Mr. Lynch: I second the motion.
Mr. Jones of Maricopa: I move to amend lines 9, 10 and 11 to read in this manner, commencing "The number of judges may be increased to five or diminished to three by law," eliminating the balance of that. That will place some restriction on the number of judges. "from time to time" seems to be superfluous, and making the maximum and minimum number will eliminate two lines.
Mr. Cunniff: I second the motion.
Mr. Short: If Mr. Jones would accept an amendment, I think I could shorten that a great deal by making line 11 read "shall at all times be constituted of not less than three nor more than five judges."
Mr. Chairman: Do you accept the amendment, Mr. Jones?
Mr. Jones: That would lengthen the section and would not accomplish any more than I have accomplished. I will send it up in writing.
Mr. Parsons: Mr. Chairman, I desire to object to the amendment, as presented, onthis ground: I see no reason why we should limit the legislature in its power to increase our number of judges to fivel I went through and experienced in Nebraska when for twelve years, on account of the fact that when an amendment to the Constitution should be made it required a majority of all those voting at the election. We tried to increase our number of judges from three up to seven, and the time may come when we will need seven judges, and why do we limit it to five in the Constitution? I think the language as it reads is better than that-- that they may increase it as conditions may require and I do not think that we should put any limit on the number of judges that may be required. The time may come when five judges will not be deened enough. I believe we had better leave that to the legislature.
Mr. Lynch: I want to object for the same reason. I will state that in Colorado they had a provision similar to this, and they were compelled to increase the number of six by creating a court of appeals and later were compelled to abandon the court of appeals and increase the number of the supreme court judges from three to five. The clause as it stands now cannot work any hardship; If we need seven judges let us trust the legislature to give us seven judges. I am opposed on the further ground that I cannot see the reason why amendments as to petty details that do not change the meaning of the proposition should be considered by the convention. I confess there are a number of things in this substitute that I do not like, and I believe there are ways of presenting the matter that are better, but I certainly am willing to defer to the judgment of the judiciary committee - to the majority of that committee, and accept what they in

their judgment have seen fit to present, for the reason that where I differ from them is on minor details, and I claim that this is an absolutely minor detail. What is wrong in letting the legislature increase the number of judges to five, and if necessary increase the number to seven? If you have too many judges they could easily decrease it again. Let us not tie the legislature up.

Mr. Jones of Maricopa: It seems to me that the legislature is tied up pretty tight in this proposition in some respects. The very purpose of my motion is to make the maximum number of judges and not leave it to the discretion of the legislature, which has done some very peculiar things. I think when the time comes we can increase them, and the people should have something to say about the increase.

Mr. Chairman: Those in favor of the amendment will signify by saying aye; those opposed no. The nays have it; so ordered.

Mr. Chairman: The intent of the motion of Mr. Winsor, is that if a paragraph was not amended it would stand approved for adoption when the committee arise, without any further action. The next Section is No.3. What is the will of the committee?

Mr. Cunniff: It seems awkward to me to elect the first three judges for terms of two years. It seems to me that as we elect all the other state officers at that time, we might as well elect the judges. I would like to inquire if there seems to be any necessity for so doing.

Mr. Cunningham: I think that some member of the committee has an amendment to offer on this matter, and I suppose it will be offered and it will probably clear up the objection that the gentleman from Yavapai now has.

Mr. Baker: I offer an amendment to Section 3 at line 15 so that it shall read: "term of office shall be coterminous with that of the governor of the State elected at the same time." That is by adding after the word "State" on line 15 the words "elected at the same time," "and the one receiving the highest number of votes shall be chief justice." With the further amendment to line 16: "Therefore, and at the first general state election held under the constitution of this state." As I understand the Enabling Act provides that an election shall be held under the Enabling Act, under the proclamation of the governor for all the state officers, and of course it will be necessary to elect your supreme court at that time. That when that election is returned or reported to the President, and he subsequently issues his proclamation, we are then a state acting under the constitution that we may pass here. This provision, as I understand it, is simply to provide for the election of those three judges at that indeterminate time, that these officers may hold until the election under the constitution and then to provide thereafter for an election of the judges or of other officers under your general state election under the constitution.

Mr. Ellinwood: I second the motion.

Mr. Chairman: The amendment offered by Judge Baker and seconded by Mr. Ellinwood,- if I do not state it correctly, Mr. Baker, please correct me, is to insert on line 15, page 2, after the word "state" the words "elected at the same time and the one receiving the highest number of votes shall be the chief justice at the first general election held under the constitution," and cut out---

Mr. Baker: "Their term of office shall be co-terminous with the governor of the state." After the word state add these words "elected at the same time and the one receiving the highest number of votes shall be the chief justice." Now, thereafter and at the first general state election held under the constitution of this state, "adding the words "thereafter and" before the word "at" on line 16 and the words "under the constitution of this" after the word "held" in line 16, striking out the word "in".

Mr. Chairman: Those in favor of the amendment will signify by the usual sign; those opposed the same. The motion is carried.

Mr. Cunniff: I would like to point out a couple of typographical errors in line 3, the word "for" is left out, and then again in line 11 "would be" is left out.

Mr. Chairman: If there is no objection the secretary will add the word "for" after the word "one" on line 3.

Mr. Jones of Maricopa: I move the following amendment, on line 22, page 3, substitute after "remaining judges of said court", the words "governor shall appoint." As corrected it would read like this "whenever for any reason any judge shall be disqualified from action in any case brought before said court, the governor shall appoint one of the superior judges to sit with him in the hearing of said cause." I am not an attorney and I may not have any right to criticise this proposition, but this occurs to me in this connection, that if two judges of the supreme court appoint a man to sit with them, that man would be an unusual fellow if he did not agree with those two judges. Of course, we cannot expect that they would appoint a man who would not agree with them, and it is human nature for such a man to agree with them. To remove any possible criticism that might result toward the two members making the appointment, I think the governor should have the appointing power.

Mr. Cunniff: I would like to move an amendment to Mr. Jones' amendment; that is, that the word "call" in line 25 be stricken out and the words "choose by lot" be inserted in its place.

Mr. Cunningham: I do not understand how the governor could choose by lot, and not only that, but the objection that Mr. Jones has made to this provision, it strikes me is hardly worthy of making a change here. It is possible that it might get to be so that a great deal more harm could result by the governor appointing the man than any other kind of an appointment. It seems to me that the court itself should choose some member of the superior bench to occupy the seat upon the supreme bench rather than for the governor to appoint that man. I think the amendments are entirely uncalled for.

Mr. Cunniff: I wish to suggest that my amendment is different from Mr. Jones' amendment by having the court choose one from the superior court judges by lot.

Mr. Jones of Yavapai: I second the amendment.

Mr. Doe: I think when Mr. Jones is familiar with the habits of lawyers he would not make that objection. I think the form of the present proposition is preferable to the amendment for this reason. The judges of the Supreme Court will become acquainted with their relative ability. I think their ability would be known to the court, and if there was a question of law, they would naturally want to select the ablest man. I think it is highly desirable that their superior knowledge should fit them better than any other person for the selection of that man.

Mr. Lynch: I think possibly that this one suggestion might clear the question. The question might be one in which the governor himself would be an interested party. It could not be one in which the remaining judges would be interested, therefore the remaining judges would be disinterested parties and the governor might be interested. It seems to me that that would perfectly clear the matter.

Mr. Cunniff: I want to point out that the amendment I proposed eliminates the possibility of interested parties. If the names were all put in a hat there would be no means of knowing what man would be called to sit on the bench. It seems to me that is the soundest way.

Mr. Parsons: I think if the amendment of the gentleman from Yavapai should prevail that it might possibly happen that the very judge before whom the case was tried- it might be that his name bedrawn as one of the judges to sit, and I do not think that would be reasonable. I further think that his amendment is not germain for the reason that the two questions conflict. The proposition of the gentleman from Maricopa is to have the governor instead of the judges select the judge who shall preside on the supreme court over the hearing of the case under the circumstances. That must be settled first before the motion of the gentleman from Yavapai could apply, because he is determining this question now, offering an amendment before the question is settled whether the governor or the court is to prevail, and I think we should settle this question first. I am in hearty accord with the remarks of the gentleman from Coconino and the others who have spoken in favor of the judges making the selection.

Mr. Chairman: The amendment of the gentleman from Maricopa, Mr. Jones, was that on line 22 beginning with the word where it says "The remaining judges of said court," it shall read "The governor shall appoint, etc." .

Mr. Cunniff: To simplify matters I will withdraw my amendment.

Mr. Chairman: Are you ready for the question? Those in favor will signify by saying aye; those opposed no. The motion is lost.

Mr. Cunniff: I move the word "call" be stricken out and the words "choose by lot" be inserted.

Mr. Jones of Maricopa: I second the motion.

Mr. Chairman: Those in favor of the amendment, signify by the usual sign; those opposed the same. The motion is lost.

Mr. Ellinwood: I wish to refer to line 13. This, I understand, is a matter that was overlooked by the committee in preparing the bill.

Mr. Chairman: What page, Mr. Ellinwood?

Mr. Ellinwood: Page 3. In answer to the gentleman from Yavapai, Mr. Cunniff, I would like to state that that is the uniform system, the same as replenishing the United States senate, so that all the terms of all the judges may not expire at the same time. It would happen, undoubtedly, if that were the case, that many causes before the court would be argued and the terms of the entire court would expire. On the incoming of the new court a complete argument would have to be made, so this system contemplates, that after the first three judges are selected and they choose their term by lot, that one judge is to be elected for a term of two years, one for a term of four years, and one for a term of six years after the first term.

Mr. Cunniff: The only point was, why the first term should be for two years.

Mr. Ellinwood: Then in line 13, I move to amend after the word "election" to insert the following; "one judge shall be elected and every two years thereafter at the general election and the term of the judge (singular in place of plural) shall be etc."

Mr. Baker: I second the motion.

Mr. Kingan: I am opposed to the amendment for this reason. The committee went over this matter of the election of judges very carefully, and we have worked this out with a great deal of care, and the scheme as here is simply this in brief. No one can tell when this state will be admitted into the Union. There is no time fixed. We cannot tell whether it will be in an even year or an odd year or the first of the year or the last of the year. Therefore, we thought the simplest plan was to make the first court term of office co-terminous with the first governor, whatever length of time that might be. The after the first regular state election, beginning on the first of January, after that we have got something definite to begin with. At that time all of the supreme court is elected - three judges - and then it is provided that of these three they shall choose by lot one for six, one for four, and one for two years. Then we have a fixed time with which to start. Now, after that, this plan as here outlined says every two years a judge will be elected, therefore, as it now reads, a judge will be elected every two years.

Mr. Ellinwood: Will you point me to a paragraph that says that one judge shall be elected every two years, after this scheme has been incorporated?

Mr. Kingan: Let us begin, if you please after the first court of three judges; they shall hold office until the first of January following the regular state election, as provided in Paragraph 3, Section 3. Now, that court after it is elected, one judge will hold office for six years, one for four years and for two years. Now, on line 13, on page 3, it says after that first election the judges shall be elected for six years after the first of January next succeeding their election. Putting the two together unquestionably makes it work out exactly. I have it worked out on a piece of paper here.

Mr. Ellinwood: Would it not be better to work it out in the constitution so that one would not have to take a piece of paper to figure it out.

Mr. Kingan: It may be that it will be necessary for some persons to take a piece of paper to work it out---(applause) It is perfectly clear Mr. Ellinwood, that you are mistaken.

Mr. Ellinwood: Mr. Chairman, it is not clear to me at all. This scheme provides for the expiration of the term after having the first judges chosen and taking their terms by lot, but it seems to me that after the first state election there should be a positive provision here that thereafter one judge be elected every two years at the general election, so that he who runs may read.

Mr. Franklin: I quite agree with the gentleman from Pima county, Mr. Kingan, that the terms of this substitute are very plain and that the adoption of the amendment offered by the gentleman from Cochise county will make it obscure. "At the first general state election held under the constitution of this state, at which a governor is voted for, three judges of the supreme court shall be elected." Now, after those are elected, they are classified by lot, one for a term of six years, one for a term of four years, and one for a term of two years. Thereafter all judges elected shall hold office for six years. Under the pro-

vision of this bill there would be but one judge elected every two years and his term is for a period of six years. It seems to me that the proposition is perfectly plain, and if we adopt the amendment of the gentleman from Cochise we will make it obscure.
Mr. Cunniff: I am in hearty agreement with the gentleman from Cochise. I do not think that this measure states anywhere that one judge shall be elected every two years. The insertion of that is absolutely necessary.
Mr. Cobb: I would like to inquire if the amendment to Section 3 in line 16 beginning with "thereafter"? Was that the amendment that was adopted? Then if "thereafter and at the first general state election" we will elect three judges at every election for governor. Read the whole sentence and you will see we elect three judges every time.
Mr. Chairman: Read the first section.
Mr. Cobb: It says "thereafter at all general state elections three judges shall be elected."
(Speech by Mr. Parsons omitted and sent to him)
Mr. Cobb: Mr. Chairman, I think the gentleman did not read that sentence right. "Thereafter and at the first general state election." Why put that "and" in there.
Mr. Lynch: Mr. Chairman, if the gentleman from Graham county will remember his lessons in grammar he will know that the words "and at the first general state election thereafter" means just the same as "thereafter and at the first general state election."
Mr. Jones of Maricopa: I think the fact that the gentleman here most learned in the law disagree on the subject is the best argument in favor of making some change in this. I move the further amendment in line 3 on page 3 which will make that paragraph read like this: "After the first state election one judge shall be elected--
Mr. Baker: I rise to a point of order. There is one amendment before the committee, and we will be confused by two or three different amendments. We should dispose of one amendment on each line, and not have two amendments on different lines.
Mr. Chairman: You are still talking about the same line and I rule that the amendments would be in order.
Mr. Jones of Maricopa: "After the first state election one judge shall be elected every two years whose term shall be for six years." If there can be any doubt about that then someone else offer something.
Mr. Kingan: Mr. Chairman, it seems to me that we are splitting hairs in the matter. I cannot conceive how this proposition as it now reads can be misinterpreted. We say there shall be a supreme court of three judges. We say the court shall go into office on the first of January. We say one judge shall hold office for six years, one for four years and one for two years. We then say the term shall be six years. With a supreme court of three members, which must continue after the first of January with a term of six years, how could it be construed otherwise than that that court should be replenished every two years by one judge? It seems to me it is so clear that it should be left alone.
Mr. Cunniff: If the gentleman from Pima can understand that sentence as amended he has a bright mind. This thing is muddled up by that "thereafter and." If the amendment of the gentleman from Cochise is put in it it will be perfectly clear.
Mr. Lynch: I will state that the judiciary committee aimed to furnish information on the subject but not comprehension." (applause,)

Mr. Chairman: The question before the committee is on the amendment of Mr. Ellinwood on line 13 after the word "election" insert "one judge shall be elected every two years thereafter at the general state election and" and the amendment of Mr. Jones of Maricopa, "one judge shall be elected every two years whose term shall be six years from and after the first, etc." The first question is on the amendment of Mr. Jones.

Mr. Jones of Maricopa: If you will allow me I will withdraw my motion.

Mr. Chairman: The question is on the amendment of the gentleman from Cochise. Those in favor will signify by saying aye. Those opposed no. The chair is in doubt.

Mr. Winsor: I move that the word "and" as it now appears on line 16 following the word "thereafter" be stricken out.

Mr. Chairman: The question before the house is on line 13, and we will dispose of that first, and if you wish to offer an amendment to the section on line 2, very well. Those in favor of the amendment as offered will rise.

Rising vote showed 25 ayes and 22 nays.

Mr. Chairman: The motion is carried.

Mr. Winsor: I move that the word "and" as it appears on line 16, on page 2, following the word "thereafter" be stricken out.

Mr. Short: I second the motion.

The motion prevailed.

Mr. Ingraham: I move an amendment to line 18 on page 3 after the word "shall" near the end of the line by the insertion of the following words "if possible under the general election laws." My reason for this, Mr. Chairman, is this: In case of the vacancy within a few days before a general election, it might not be possible under the election laws to comply with the provisions to hold an election, and if it were made at the next succeeding general election that would be illegal, and the incumbent appointed by the governor would hold office for four years, or possibly six. The amendment is aimed at the point if a vacancy occur just preceding the election, so that the necessary notice and publication could not be made.

Mr. Parsons: I second the amendment.

Mr. Lynch: This amendment is also another case of splitting hairs. If it is not possible to hold the election, the office will be filled by the governor, and as amended this does not give any right to hold the election until the next general election, and therefore he is to hold until his successor is elected and qualified.

Mr. Chairman: Are you ready for the question? Those in favor of the amendment will signify by the usual sign; those opposed. The motion is lost.

Mr. Doe: I move to amend Section 2 by inserting in the line 34, on page 3, the following words "who shall receive his necessary traveling expenses including board and lodging, while absent from the county of residence for such purposes, the same to be audited and paid as provided by law." I might say in explanation that judges under the provisions of this bill who receive $3500. a year might find it a serious hardship to go to the capital for the purpose of remaining perhaps a month, paying their hotel bills at Phoenix rates, and their passage at Arizona railroad rates, and I think it would be proper that their necessary expenses should be paid.

Mr. Kingan: I second the motion.

Mr. Cunniff: It seems to me this is not a proper provision in the constitution, but is purely a legislative matter. I am in favor of the position of the gentlemen, but object to its insertion in the constitution.

Mr. Chairman: Those in favor of the amendment, answer aye; those opposed nay. The nays have it, and the motion is lost.

Mr. Doe: I would like to move a reconsideration of that question. I thought this should go into the constitution because the constitution in another place provides that the salary fixed for the supreme court shall be so much, and no other compensation. To leave this to the legislature would be inappropriate, inasmuch as the express terms of the constitution will not permit its being done by the legislature. If it is the desire of the convention that the judges be allowed their expenses it should be inserted; and if not, it need not be so put in. I merely make this as a suggestion, and do not make a motion to reconsider myself.

Mr. Parsons: I move we reconsider the vote on the amendment offered by the gentleman from Coconino, Mr. Doe.

Mr. Doe: I second the motion.

Mr. Chairman: All those in favor of the reconsideration, will signify by the usual sign; those opposed no. I believe it will be impossible to get a two-thirds vote.

Mr. Jones of Yavapai: I move an amendment to Section 3, line 19, after the words "general election" insert "whenever it is possible to do so under the general election law."

Mr. Chairman: I rule that motion out of order. Is there anything further in connection with this paragraph or section?

Mr. Cunningham: I move section 3 be adopted.

Mr. Chairman: That is not necessary. If there are no further amendments, paragraph 3 will be considered adopted, and we will pass on the Section 4.

Mr. Kingan: I move after the word "mandamus" on line 16, page 4, the secretary be authorized to add a coma. That merely makes clear the intended meaning.

Mr. Chairman: If there are no objections the chairman will make the insertion of the comma. Section 5 is now before us. What is the will of the committee with this section?

Mr. Franklin: I was a member of the judiciary committee, but there is a provision in Section 5 which is new to me, and I do not quite understand it. "The judgments, decrees, orders, etc., shall be equally effectual as if all the judges had presided at said session." I do not understand what is the purpose of that.

Mr. Lynch: I might suggest the reason for it is that in the California system there are often two judges in one county who divide the work into two departments. The purpose of this is to legalize the work of one judge, making the work of one department legal without the concurrence of the other judge in the same county.

Mr. Doe: I desire to move an amendment to this proposition, and it might be better if I first explain the purpose. The members from the three northern counties, Coconino, Apache and Navajo, have been considering the question of being under one jurisdiction and we are all agreed that a great saving would be made to the taxpayers thereby and a larger salary could be provided for the one judge. The bill now provides that the judge in the county of Coconino shall receive $3500, and in the two counties of Apache and Navajo $4000, making $7500 in all. It is our desire to unite these three counties at a larger salary, which would still be a saving to the taxpayers and give us a better judge. The three counties together would not now or for years to come have too much work for one judge. I therefore move that on line 7 of page 5 the word "coconino" be inserted after the words "and for the counties" and before the words "Apache and Navajo."

Mr. Jones of Maricopa: I second the motion.

Mr. Doe: Mr. Chairman, this cannot affect, if carried out, any of the other counties in any way except that if the state pays one half of the salaries, as the bill proposes, the saving would be affected for the state as well as the individual counties affected.

Mr. Chairman: You have heard the motion. Those in favor? Those opposed? The motion is carried.

Mr. Baker: On line 23, page 5, after the word "state" I offer as an amendment the insertion of the following words: "elected at the same time." The purpose is to put the other officers on an equality with the governor and make their terms of office co-terminous.

Mr. Lynch: I second the motion.

The motion prevailed.

Mr. Cassidy: I move in line 4 on page 5, for the words "superior courts" be substituted the words "a superior court." As it reads now it provides for more than one court in each county, and I take it that it is the object of the bill to provide only one court for each county and it should be made singular rather than plural.

Mr. Lynch: I second the motion.

The motion prevailed.

Mr. Ingraham: I notice that on the last line of page 5 concerning judges of the superior court the statement is made that they shall hold office until their successors are elected and qualified. I would like to ask if the same provision ought not to be made as to supreme judges on line 15, page 3. Although we have passed Section 3 and an amendment is out of order, it seems to me that we ought to make some qualification as to the supreme judges' term of office, unless the present provision is considered sufficient by the legal talent of the committee.

Mr. Webb: Unanimous consent will be given if that is necessary to be inserted I would ask for unanimous consent.

Mr. Chairman: If there is no objection, we will revert to page 3 and insert the amendment of the gentleman, "and they shall hold office until their successors are elected and qualified" in line 15 on page 3.

Mr. Hunt: I would suggest you amend Section 5 by inserting the words "supreme court."

Mr. Kingan: I do not think that sentence is intelligible the way it now reads.

Mr. Cunniff: I should suggest that it is a mere matter of english, and the committee on style, revision and compilation will amend that.

Mr. Franklin: I move you that the provisions of this bill as they are printed upon lines 13,14, and 15 be adopted without any of the interlineal changes.

Mr. Chairman: We have already adopted an amendment to this section. There was unanimous consent that we revert to this section 3. All in favor of the amendment of the gentleman from Yuma will signify by the usual sign; contrary minded no. The ayes have it, and the motion is carried. Is there any further amendment to Section 5? If not, it will be considered adopted. What is your pleasure with Section 6?

Mr. Cunningham: On line 16 after the word "misdemeanor" on page 6, should be inserted the word "not" to meet with the sense of the judiciary committee, to make it read "and other misdemeanors not provided for by law."

Mr. Lynch: At the same time, the word "The" on the last line of page 7 should be stricken out, and "their" be substituted.

Mr. Jones of Maricopa: I second the motion.

Mr. Chairman: Those in favor of the amendment offered by the gentleman from Cochise will signify by saying aye; opposed no. The motion is carried. All in favor of the motion of the gentleman from Graham will signify by the usual sign; all opposed no. The ayes have it, and the motion is carried.

Mr. Jones of Maricopa: I would like to ask for information from some member of the committee. Refer to lines 10-14 on page 7. Is the meaning that a man has to be in custody or in jail before he can sue out the writ of prohibition or mandamus? That is what it says here.

Mr. Lynch: After the word "prohibition" should appear a comma, and then it would refer only to habeas corpus.

Mr. Chairman: If there is no objection, a comma will be introduced without formal action.

Mr. Crutchfield: I desire to amend the paragraph by adding between lines 2 and 3 on page 7, proposition No. 140, relating to juvenile courts.

Mr. Jones of Yavapai: I second the amendment.

Mr. Weinberger: While I am heartily in favor of establishing juvenile courts or laws pertaining to juveniles, I would state that the Session Laws of 1907 has a very elaborate system concerning this matter, which covers it fully. Of course this will be in force and effect when the constitution is adopted, the same other laws, and it seems to me that for the sake of brevity it is unnecessary to insert this in the constitution.

Mr. Short: I desire to differ with the gentleman from Gila county in regard to this matter as to the provision in the statutes covering this juvenile proposition. It is covered by the statute, but I do not believe it is covered fully. It is left to the discretion of the court, while Proposition No. 140 makes it mandatory.

Mr. Cunniff: The constitution is not only a document which state boundaries, restrictions and limitations; it is also a declaration of policy and principle, and this thing ought to go in.

Mr. Kingan: I would call the attention of the gentleman from Maricopa to the advisability of inserting it at this place, for he will have the juvenile court sandwiched in between provisions relating to the superior court, so this is not the proper place if you are going to insert it at all. Also, it will be contrary to Section 1 already adopted, which provides that jurisdiction shall be vested in certain courts such as supreme, superior and justice courts.

Mr. Crutchfield: I am perfectly willing to add the words "juvenile courts" in Section 2.

Mr. Cunniff: I move a further amendment that this be inserted at the end of Section 6.

Mr. Crutchfield: That is acceptable; it is immaterial as to the place.

Mr. Lynch: This would be repugnant to the other clauses of the judiciary proposition, and for this reason I would suggest that the gentlemen defer action on this, and bring it up at a separate time and put in a separate clause covering it.

Mr. Crutchfield: I desire to protest. I am unwilling to leave out of our constitution the guaranty that our minor offenders should be tried in chambers, and I am unwilling to accept the assurance of the gentleman that they will vote for it at some other time. I believe it belongs here, though its exact location makes no difference.

Mr. Doe: I am entirely in accord with the gentleman who wishes to establish the juvenile court, but I simply think there is a different way to accomplish it. At present everything that would be done by the juvenile court is done by the district courts in chambers, and I think the people are satisfied and the present system is working well. I know that every one of the judges at present in the matter of juvenile offenders conforms to the idea of this proposition.

Mr. Crutchfield: This may be true under the present excellent judiciary, but there might be a time when the judge would not do so unless it were made mandatory on him. I think it ought to be made mandatory on the judge.

Mr. Ellinwood: I think there is some misapprehension here. I have given the matter a great deal of attention and I yield to none in my loyalty to the position of the gentleman from Maricopa. The statute of 1907 was my handiwork, and I spent considerable time to have it enacted. It does not create a new court, but it imposes on the district court the jurisdiction of juvenile offenders. I will read the first paragraph. I think all that is necessary is to confer on the superior court the further power to exercise jurisdiction in juvenile proceedings. I will move you as an amendment to the motion of the gentleman from Maricopa, that on line 20 of page 6 there be added the words "the superior court shall also have and possess exclusive original jurisdiction in all proceedings which may be broght before them affecting the treatment and control of the dependent, neglected, incorrigible and delinquent children under the age of 16 years." I think 16 is young enough. Eighteen is too old. We have some desperate criminals over the age of 18.

Mr. Cunningham: I second the amendment.

Mr. Ellinwood: A great many statutes were taken into consideration when this was passed, and it is taken largely from Pennsylvania and Colorado.

Mr. Chairman: You have heard the original motion that Proposition No. 140 be inserted at the end of Section 6, and the further amendment of the gentleman from Cochise to adopt the provision of the session laws of 1907 in regard to juvenile courts. Those in favor of the amendment will signify by rising; those opposed, by the same sign. The ayes have 23, the nays 18. The motion is carried.

Mr. Wells: The proposition has not been disposed of yet. I must say that the gentleman from Maricopa has been energetic in pressing this measure and he has been promised that when proposition No. 82 came up for consideration, his proposition would be taken care of. Now, I am sure we all feel interested in this matter very much, and if it cannot be included in Proposition No. 82, let us have an independent proposition covering the proposition, but let us do it right.

Mr. Doe: I do not see how a proposition embodying the sentiments of the gentleman from Maricopa can possibly be incorporated in the constitution. Every citizen is guaranteed by the constitution of the United States the right of trial by jury.

Mr. Chairman: Proposition No. 140 is not before us. It is on the calendar and will come up later. We do not seem to be getting anywhere. Those in favor of the amendment will signify by saying aye as their names are called; those opposed no.

Mr. Wells: May I ask a question? Does passing on this amendment interfere with further consideration of Proposition No. 140?

Mr. Chairman: Not at all. Proposition No. 140 is on the calendar of the committee of the whole.
Mr. Crutchfield: I should like to ask unanimous consent to have a roll call on each of these propositions, the original No. 140, and Mr. Ellinwood's amendment.
Mr. Colter: I would like to ask the gentleman from Maricopa if the effect of the Ellinwood amendment destroys his purpose?
Mr. Crutchfield: I think so.
Mr. Ellinwood: Not at all. It does not affect the matter.
Roll call showed 7 ayes and 40 nays.
Mr. Chairman: The motion is lost.
Mr. Roberts: I move a reconsideration of the Ellinwood amendment.
Mr. Wills: I second the motion.
Mr. Lynch: I arise to a point of order. A reconsideration cannot take place until other business has been disposed of.
Mr. Chairman: The chair is at a loss.
Mr. Webb: I would like to ask for information upon which side the gentleman from Cochise, Mr. Roberts, voted?
Mr. Roberts: I voted no.
The motion prevailed.
Mr. Chairman: The chair will rule that the motion now before the house is the amendment offered by the gentleman from Maricopa, Mr. Crutchfield.
Mr. Sims: Mr. Chairman, I desire to offer an amendment to the effect that the words "eighteen" be stricken out and the word "sixteen" be substituted.
Mr. Ellinwood: I second that motion.
Mr. Chairman: You have heard the amendment.
Mr. Sims: I move to amend by striking out the word "eighteen" and inserting the word "sixteen."
Mr. Ellinwood: I second the motion.
Mr. Osborn: Mr. Chairman, does this take away the right of trial by jury?
Mr. Cunniff: No, but Mr. Chairman, I would like to ask if this amendment is on the original amendment? This original motion has already two amendments.
Mr. Crutchfield: A motion to substitute figures is not an original motion.
Mr. Chairman: Does the gentleman from Maricopa accept that amendment offered by the gentleman from Yavapai?
Mr. Crutchfield: I will accept it if the convention will.
Mr. Chairman: Gentlemen, the question is on the amendment offered by the gentleman from Yavapai, Mr. Cunniff to insert this matter after Section 6.
Mr. Osborn: Mr. Chairman: I do not like to go on record as voting against the juvenile bill, but I think I shall have to do so unless something is done so that I can understand it, and I should like to have something more clear submitted by the committee before I am compelled to vote.
Mr. Cunniff: Mr. Chairman, I move that this matter be re-referred to the committee on judiciary, so that they can sift it out and give us something that we can comprehend and understand to pass an intelligent vote.
Mr. Osborn: I second that motion.
Mr. Chairman: It has been moved and seconded that Proposition be re-referred to the judiciary committee----
Mr. Short: Mr. Chairman, I rise to a point of order. The question is not on the juvenile court, I do not think that this committee can act upon the matter.
Mr. Chairman: The chair will rule that it is well within the powers of this committee to act upon this question.

Mr. Doe: I do not think the gentleman from Maricopa can accomplish the purpose of his amendment, and I think that the amendment is out of order in the discussion of the question before the committee.
Mr. Webb: Mr. Chairman, I think the gentleman from Coconino is under a misapprehension. I think that the question and the amendment should be decided now, and that it is in its proper place.
Mr. Ingraham: Mr. Chairman, I arise to a point of order. It has been ruled upon this floor that if the amendment is referred to a committee, it takes the whole proposition. If you refer this amendment to the committee you must send back the whole of Proposition No. 82.
Mr. Chairman: Those in favor of referring Proposition No. 140 and amendments thereto, to the committee on judiciary, will answer aye; those opposed----
Mr. Crutchfield: Mr. Chairman, I would like to hear some expressions from the judiciary committee. Some of the members of that committee refuse to reconsider the matter.
Mr. Cunningham: Mr. Chairman, I arise to a point of order. The question is on the amendment of Proposition No. 82. I think the committee on judiciary are all agreed on that matter, but I call for the question upon the amendment.
Mr. Ingraham: Mr. Chairman, I move to amend the amendment to the effect that the question be referred to the committee on legislation.
Mr. Chairman: Gentlemen, you have heard the amendment to the amendment that the proposition be referred to the legislative committee. Those in favor of the motion say aye; those opposed nay. The motion is carried, it is so ordered.
Mr. Ellinwood: Mr. Chairman, I move that the committee do now arise and report progress.
Mr. Feeney: I second the motion.
The motion prevailed. The President resumed the chair.
Mr. President: The convention will please come to order. I would like for the members to give their attention while the chairman of the committee of the whole renders his report.
Mr. Tuthill: "Mr. President. Your committee of the whole begs leave to report it has had under consideration Propositions Nos. 82, and 140, and respectfully recommends that Proposition No. 140 and amendments thereto be referred to committee on legislative department, distribution of powers and apportionment, and to report progress on Proposition No. 82 and begs leave to sit again."

Mr. Orme: Mr. President, I move the adoption of this report.
Mr. Osborn: I second that motion.
The motion prevailed.
Mr. President: It has been moved and seconded that Proposition No. 82 be considered in our next meeting. Those in favor of the motion say aye; those opposed nay. The ayes have it, it is so ordered.
Mr. Parsons: Mr. President, I move the convention adjourn until tomorrow morning at 9:30 o'clock.
Mr. Ellinwood: I second that motion.
The motion prevailed.
Convention adjourned to 9:30 a.m. November 15, 1910.

JOURNAL, November 15, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will arise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: Reading of minutes.

Minutes read and approved.

Mr. President: Committee of the whole. The convention will now resolve itself into the committee of the whole for consideration of Proposition No. 82. The gentleman from Greenlee, Mr. Tuthill, will take the chair.

Mr. Chairman: Gentlemen of the committee, we have before us Substitute Proposition No. 82. Discussion is in order on Section 6.

Mr. Winsor: I move that Section 6 be approved as amended.

Mr. Chairman: A motion is not necessary. It will stand approved as amended.

Mr. Jones of Maricopa: Before we pass Section 6, Mr. chairman, in line 16 and 17, it speaks of forcible entry and detainer by giving the superior court jurisdiction over such cases. I would like to ask some of the attorneys if that phrase covers unlawful or wrongful detainer along, and if it is their desire to give the superior court jurisdiction over unlawful or wrongful detainer. I am told that an action in forcible entry and detainer is rather uncommon, but that an action in unlawful detainer is a common cause, and it very often involves property where the rental rate is nominal. The reason I ask that question is because I have had some experience in the courts of Arizona, trying to get action under this Forcible entry and detainer. The justice of the peace did not know whether he had jurisdiction or not and the superior court does not want it because the amount is so small. It seems to me that the question of unlawful detainer, such as a tenant holding property after his rights are exhausted, should properly come with the jurisdiction of the justice of the peace. Otherwise, you might have a case where a man having possession of property in Parker would force those witnesses to go to Yuma, 350 miles, to retain possession of the property, where the amount involved in rental was nominal.

Mr. Chairman: Will the gentleman of the bar elucidate to the gentleman from Maricopa, Mr. Jones?

Mr. Lynch: I would suggest to the gentleman from Maricopa that the fact that the superior court is given jurisdiction in actions of forcible entry and detainer does not exclude the justice court from having that same jurisdiction. The jurisdiction here given is not exclusive.

Mr. Jones of Maricopa: That is just the question I wanted to bring up, because that shows that this proposition is susceptible of some amendment because the justice court disclaimed jurisdiction, and was upheld by the superior court in the case I have in mind, and the result was where the amount involved was only $40.00 the loss sustained by the plaintiff amounted to $1,000.

Mr. Short: Mr. Chairman, I would like to ask the gentleman from Maricopa if there was not a title involved, and if that was the reason the justice of the peace could not exercise jurisdiction.

Mr. Jones of Maricopa: There was no title involved. It was a question of possession of property that was retained by a tenant who declined to give up the premises. It was retained purely to eliminate competition and keep another man from going into business in the town. If there was ever a miscarriage of justice it was in that case. As I understand it the purpose of this proposition is to clear up matters of that kind. All the attorneys I talked with differed about it. They claimed there should be some provision to cover a wrongful detainer, and if you read the provision as here made applicable to justices of the peace you will see that they have no provision, such as the gentleman from Graham suggested, but that they are not given jurisdiction over cases on which the superior court has jurisdiction. Cannot we have some of the attorneys here given an explanation of that? It is not a proposition of criticising this unnecessarily--

Mr. Doe: Our statutes full cover this question.

Mr. Jones of Maricopa: That is quite true, but does statute provide for unlawful or wrongful detainer? Who has jurisdiction?

Mr. Doe: The justice of the peace has present jurisdiction.

Mr. Jones of Maricopa: There is a question we have before us right now. The justice of the peace claimed he did not have jurisdiction and the judge claimed he did not have jurisdiction.

Mr. Cunningham: I do not think we should take up the time of this convention discussing some legal question that has been interesting some member of this convention. This matter is clear enough here. It seems perfectly well stated and simply because some question of law has heretofore been troubling some member, I do not think they should take up the time of the convention in arguing these questions.

Mr. Chairman: The chair will decide that being no motion to amend---

Mr. Jones of Maricopa: I make a motion to amend.

Mr. Cunniff: I second the motion. We are trying to agree intelligently, in the light and in the open.

Mr. Chairman: You had better wait until we get the motion, Mr. Cunniff.

Mr. Jones of Maricopa: I move you, Mr. Chairman, that we substitute in this proposition, line 5, 6, and 7, as it appears in Proposition No. 69, on page 6. I should like to say something in answer to the gentleman from Cochise. I am not bringing up these questions because I was interested in the case. I was not interested in this particular case. I merely followed the case to have some knowledge of it. I have never been interested in a law suit at any time, but I have been told by lawyers that this proposition here, No. 82, as it originally stood is a proposition to encourage litigation, and that is not what the laymen of this territory want.

Mr. Chairman: Mr. Jones you move to insert just what lines?

Mr. Jones of Maricopa: Proposition No. 69. I will make this motion and when we discuss the jurisdiction of the justice of the peace I will make another motion to insert this in that place. I will make a motion in connection with Sec. 6, that we are discussing, striking out in lines 16 and 17 the words, "of actions of forcible entry and detainer." Section 6, page 6, of the proposition we are discussing.

Mr. Chairman: Is there a second to that motion?

Mr. Cunniff: I second the motion.

Mr. Weinberger: Mr. Chairman, I think this matter is well covered by the statute, and I will read it for the information of the gentleman from Maricopa:

"2668. (Sec. 1) 'If any person shall make an entry into any lands, tenements or other real property, except in cases where entry is given by law, or shall make such entry by force, or if any person shall willfully and without force hold over any lands, tenements, or other real property after the termination of the time for which such lands, tenements or other real property were let to him, or to the person under whom he claims, after demand made, in writing, for the possession thereof, by the person or persons entitled to such possession, such person shall be adjudged guilty of forcible entry and detainer, or of forcible detainer, as the case may be."

And another section states: "2673. (Sec. 5) Any justice of the peace of the precinct where the property is situated, shall have jurisdiction to hear and determine any case arising under this title. If there be no justice of the peace within the precinct, then the nearest justice of the peace shall have jurisdiction."

Mr. Ingraham: I beg to point out to the convention that section 9 of the proposition we are now considering repeals that statute.

Mr. Lynch: Mr. Chairman, if you carry the motion, here is the result. You have a case of forcible detainer where a man has occupied property, whose rental value was $5.00; he keeps it for three months; he cannot get recourse.

Mr. Franklin: I know it is a very well defined idea among a great many people that lawyers like to encourage litigation. Now, that is a thought that we want to discourage. As every lawyer knows, who is worthy of the name, lawyers strive to have the law made plain, and a lawyer is only successful, and he only has clients, who has good clients, when he is capable of telling them what the law is. I hope this amendment will not prevail for; there seems to be a transposition of terms: It involves it in great obscurity and I dare say if this amendment is adopted the lawyers for a period of five years after this constitution is adopted will be litigating over this very point. Every lawyer knows what forcible entry and detainer is, and when the time comes he can explain what the remedy is. I hope, gentlemen, that you will not inject that into this constitution. When you say "or wrongful or unlawful," that makes it obscure in my opinion.

Mr. Chairman: Are you ready for the question. The amendment of the gentleman from Maricopa to strike out on lines 16 and 17 the words "of actions of forcible entry and detainer."

Mr. Jones of Maricopa: Before you put that I would like to say it is my intention to provide for that in the justice courts.

Mr. Ingraham: This is the point that I raise in the committee and it involves this feature. For instance, in Yuma county, we have large districts on the A. & C. Ry., in the Northern part of the county. Persons who come to the county seat have to come through Phoenix in a round about course, Now, we will suppose that a man has a little $5.00 shack, and some poor family gets into that shack. He cannot get them out without going to Yuma, and bringing suit in the superior court. This proposition destroys the jurisdiction of the justice court to try such little cases as that. If the present laws were in force he could go before the justice in his own town and settle the matter. The matter would be settled right there at home, but with this amendment which wipes out the present statute, he must go to the county seat, to litigate that little matter. It is not right. The reasons why I say that the present statute is repealed are these: The jurisdiction of justice courts----

Mr. Kingan: May I ask the gentleman, from Yuma, a question. Please refer to section 6.

Mr. Ingraham: I was just going to say that section 6 repeals the present statute.

Mr. Kingan: Section 6, line 10 "These superior courts shall have original jurisdiction." What does that mean?

Mr. Ingraham: It means that the superior court shall have original jurisdiction, but some other court may also have original jurisdiction.

Mr. Kingan: May that not be the justice court?

Mr. Ingraham: Yes. In Section 9, the justice courts are discussed. In line 2, on page 8, relating to the justice court, the statement is made that "the powers, duties and jurisdiction of justices of the peace, shall be determined by law, provided that such jurisdiction of any court of record, and provided that justices of the peace may be made police justices of incorporated cities and towns." Now, my contention is that that covers the whole field of justice court jurisdiction. It must wipe out the present statutes, and they have no jurisdiction until the powers, duties and jurisdiction shall be determined by law. It is certainly conclusive that the statute has been repealed.

Mr. Ellinwood: I would like to ask a question. Would it not serve the purpose better when we reach section 9 to confer concurrent jurisdiction upon the justices of the peace?

Mr. Ingraham: That would be a proper solution.

Mr. Jones of Maricopa: I withdraw the motion with the consent of my second.

Mr. Chairman: Section 6 is passed without further comment. Section 7 is next. Any objections to Par. 7? It is approved. Section 8 is next, are there any objections.

Mr. Weinberger: I move to amend that section by striking out the word "sixty", and substituting therefor the word "ninety."

Mr. Coker: I second the amendment.

Mr. Chairman: It is moved and seconded to strike out the word "sixty" where it occurs in line 21, and substitute therefor the word "ninety."

Mr. Connelly: I would amend by striking out the word "sixty" and put in the word "thirty".

Mr. Winsor: I second the motion.

Mr. Chairman: You have heard the two amendments. Those in favor of the amendment inserting the word "thirty" in lieu of the word "sixty" will signify by saying aye; those opposed no, as the roll is called.

Mr. Connelly: My reason for askkng for the insertion of the word "thirty" instead of "sixty" is that the time may be extended by the governor. If you put ninety days in there he can go for ninety days, then come back for a day or two and go again for ninety days. I think thirty days is enough, and if he wants it extended the governor can extend it for him.

Mr. Doe: I do know that no supreme court judge would remain in Phoenix in the summer. I think very few people who can get away stay here during the hottest months of the year, and I see no reason why they should not leave for a trip somewhere if they wish. They could stay at home and neglect their duties if they wanted to, but I do not think that you will elect a man who will be so regardless of any sense of duty that he will neglect his duty. I think it is absurd to suppose that kind of a man will be elected.

Mr. Chairman: The clerk will call the roll.

Roll call showed 19 ayes and 30 nays.

Mr. Chairman: Amendment is lost. Those in favor of the original amendment to substitute the word "ninety" in place of the word "sixty" signify by saying aye. The motion is lost. Any further amendments to Section 8? If there is nothing further the section will be considered passed. It is passed. Section No. 9.

Mr. Ellinwood: I move to insert at the end of line 5, page 8, after the word "towns" the following: "And provided further that justices of the peace shall have concurrent jurisdiction with the superior court in cases of forcible entry and retainer."

Mr. Weinberger: Regardless of the amount in controversy?

Mr. Ellinwood: Sure.

Mr. Weinberger: The amount in controversy may be $500.00, and the justice of the peace can have no jurisdiction.

Mr. Ellinwood: You can have the amount in there, if you wish.

Mr. Lynch: If the gentleman from Cochise will accept the clause that is in the constitution of California, I think it will cover it very well. If you will permit me to read it, after the words "justice of the peace" "Provided such powers shall not in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer where the rental value does not exceed $25.00 per month, and where the whole amount of damages claimed does not exceed $200.00." That would cover our constitution.

Mr. Ellinwood: That is what I have added and I accept that clause.

Mr. Chairman: Will you send that up in writing?

Mr. Jones of Maricopa: I second the amendment, Mr. Chairman.

Mr. Wood: Mr. Chairman, I move to further amend the amendment by making "$25.00 per month" read "$100.00 per month."

Mr. Jones of Yavapai: I second the motion.

Mr. Chairman: Will the gentleman from Graham care to accept that amendment?

Mr. Lynch: I certainly would not accept that amendment.

Mr. Wood: I am introducing that amendment for the $100.00 but the total can be limited to $200.00 and cover a period of two months at $100 each or runs for five months, at $100.00, he is entitled to the jurisdiction of the district court.

Mr. Lynch: I will accept the amendment at $50.00 per month.

Mr. Wood: I insist on $100.00.

Mr. Lynch: Allow me to call the attention of the convention o what $100.00 means. It simply means that if the rental value is $100.00, that regardless of any jurisdiction or amount the case can be brought in the district court. No man is going to sue another man until the house has been occupied at least one, two or three months. The esult might be that a man might have to recover at $100.00 nd it might be six months before a suit could be brought. he justice court gets jurisdiction together with damages. think $25.00 is ample.

Mr. Cunningham: I would like to ask the gentleman from Graham a question. If this proposition carries does it limit the jurisdiction of the justice of the peace to $200.00?
Mr. Lynch: It does Mr. Chairman. It not only places limits, but it gives the justice court jurisdiction.
Mr. Cunningham: I do not so read the amendment.
Mr. Kingan: My only object in speaking again is that I firmly believe that the section as it now reads in this proposal is entirely clear and satisfactory and that by adding amendment to it you simply muddle it and make it unintelligible. The district court by section 6 is given original jurisdiction in certain matters, and among others there are forcible or unlawful entry and detainer. That means that the court has original jurisdiction and that the action may be started there. Section 9 says "the number of justices to be elected in incorporated cities, towns and precincts, and powers, duties, etc."

Now, if the justice court be given jurisdiction in forcible entry and detainer, that certainly does encroach upon the original jurisdiction of the district court. The same is true of misdemeanors, if the construction be given that the justice court could not try a misdemeanor, because the district court be given original jurisdiction. State courts have original jurisdiction. It is not contended for a moment that either encroaches upon the jurisdiction of that other. It simply means they have original jurisdiction. The sections do not contradict each other. Doubtless the legislature when it deals with this matter will do the same thing again. It seems to me we are encumbering this act by these amendments. It is not contradictory in the least.
Mr. Chairman: Are you ready for the question?
Mr. Lynch: I simply accept this amendment for the reason that I did not see that there was anything gained by trying to stir up strife between the lawyers here.
Mr. Chairman: You have heard the two amendments. Those in favor of that of the gentleman from Yavapai to insert the words "One Hundred Dollars" in lieu of the words "Twenty Five Dollars" in the original amendment, will answer aye, those opposed will answer no. The chair will rule that the nays have it. Those in favor of the original amendment will signify by saying aye.
Mr. Feeney: What is the original amendment?
Mr. Chairman: The original amendment is to insert the clause from the constitution of California as read by the gentleman from Graham. Those in favor of the amendment will signify by saying aye, those opposed no. The chair is in doubt. Call the roll.
Roll call showed 27 ayes and 22 nays.
Mr. Chairman: The amendment is carried.
Mr. Cunniff: On page 8, I move that lines 6,7 and 8 be stricken out.
Mr. Franklin: I second that motion.
Mr. Cunniff: The other day we passed a proposition to substitute No. 62 reading as follows: "All state and county officers, except notaries public and all justices of the peace shall be paid fixed and definite salaries and they shall receive no fees for their own use;" therefore it is unnecessary to put this clause in here.
Mr. Chairman: Those in favor of the amendment to strike out all of lines 6, 7 and 8, signify by the usual sign. Carried.
Mr. Feeney: It says in here "provided that justices of the peace may be made police justices of incorporated towns

and cities and their jurisdiction will be determined by law." Does that mean that the present law that now exists would apply, I would like to know.

Mr. Weinberger: Mr. Chairman, I would say that the same laws apply now that would apply----

Mr. Feeney: To deny the right of trial by jury. Yesterday we were very anxious that minors should be tried by jury, and I believe now is the time to provide that police justices shall try by jury.

Mr. Ingraham: Mr. Chairman, I move that in line 3, page 8, before the word "jurisdiction" where it last occurs in that line, the word "exclusive" be inserted, so that it shall read "shall not infringe upon the exclusive jurisdiction of any court of record."

Mr. Jones of Yavapai: I second the motion.

Mr. Parsons: It seems to me that amendment as proposed would be unique at least. If the jurisdiction is exclusive, as stated, how are you going to make it more than that? I think "exclusive" is as nearly superlative as you can have. If it is exclusive, that settles it without any further amendment. You cannot trench upon it, if the word means what Webster defines it to mean. I therefore think the amendment is entirely useless.

Mr. Chairman: Those in favor of the amendment to insert the word "exclusive" before the last word on line 3 will signify by saying aye; contrary minded no. The chair is in doubt. Those in favor will signify by rising. Those opposed by a similar sign. The ayes have 17, the nays 28. The motion is lost. Any further corrections to this section? If not, it will be considered as passed. It is passed. Section 10 is next.

Mr. Wells: Mr. Chairman, I offer an amendment in lines 19 and 20 which will give the superior judge in the county of Yavapai $5,000 per annum, and in doing that I wish to say that the character of our litigation in that county demands first class ability, and I do not see why we cannot have it there as well as in other counties requiring the same kind of ability, and I move to amend by inserting after the word "Yavapai" on the 19th line as applied to Yavapai, "$5,000 per annum."

Mr. Parsons: Will the gentleman permit a question? Will it not be easier to get at it to have Yavapai added to the list of counties receiving $5,000. and strike it out from those receiving $4,000.

Mr. Moeur: I move to amend by changing the salaries of the supreme court judges from $.,000 to $5.00. I think the salaries are too high.

Mr. Cunniff: I second the motion. May I ask my colleague to defer his motion until we have attended to some other matters, and then we can take it up.

Mr. Wells: Certainly.

Mr. Ingraham: I move you to amend the amendment to read $6,000.

Mr. Parsons: I second the amendment.

Mr. Chairman: It has been moved and seconded that it be amended to read $5,000 instead of $7,000, and further amended to read $6,000.

Mr. Moeur: I accept the amendment of $6,000.

Mr. Cunniff: I will not accept the withdrawal. As I seconded the motion, it will have to stand.

Mr. Chairman: Are you ready for the question on the $6,000 amendment?

Mr. Franklin: I rise to a question of information. When there are two amounts involved, under the rules do we not vote on the lesser amount first.

Mr. Winsor: That is only where you are filling blanks.

Mr. Chairman: I think we are not filling blanks. As I remember the rule, it refers to filling blanks only. The chair will so rule.

Mr. Ingraham: I would like to hear the opinion of attorneys here who have had more experience than some of us. It seems to me an important matter.

Mr. Moeur: I think those men who expect to draw the salaries would naturally ask for larger salaries.

Mr. Feeney: I am not an attorney, but I disapprove of cutting wages.

Mr. Cunniff: Of course, one reason for fixing good salaries is to get good men. In view of the committee bringing in a report that the governor shall receive $5,000, it seems there is no reason why a judge should get $2,000 more. The sacrifices a supreme court judge would have to make are not more than those of the governor, nor does he have to work more steadily and persistently than the governor would have to work. It being the opinion of the executive committee that $5,000 is a satisfactory salary for the governor, I hope the convention will so decide, as I see no reason why the supreme court judges should get more.

Mr. Parsons: When this matter was discussed in the committee, I advocated fixing the salary at $6,000. I do not believe that in starting the new state we want to make it topheavy by making salaries too large, but I believe it will be false economy to make the salaries of the court of last resort too small to secure the best class of talent and ability. I do not believe there is an attorney present who will disagree with this proposition, that any man who is really competent to grace the supreme bench of Arizona will make a sacrifice if he accepts the position at even $10,000, but I believe there are men of eminent ability who, for the honor connected with it, for the congenial class of employment, would accept it for $6,000, and I believe the people would be satisfied to pay $6,000, but if we go above that they will say we have been too generous with somebody else's money; and therefore I favor fixing it at $6,000.

Mr. Cunniff: I want to point out a slight indelicacy in these proceedings. Usually in legislative bodies a rule prevails that members of the body shall not raise the salary of any office that shall be subsequently held by any of them. You recall the difficulty Secretary Root got into by accepting an office, the salary to which was raised by a body of which he was a member. With some ten or twelve future supreme judges on the judiciary committee, it is difficult for us to pass upon this.

Mr. Lynch: We can more readily appreciate the remarks of the gentleman when we know that the executive committee, which possibly 12 or 13 aspirants for the governorship, fixed the salary at $5,000.

Mr. Chairman: Call the roll on the amendment to the amendment.

Roll call showed 27 ayes and 23 nays.

Mr. Chairman: The motion is carried.

Mr. Ellinwood: As I understand it, section 10 is amended to read $6,000. It is subject to a further amendment, and I move you to amend it to read $6,500.

Mr. Bolan: I second that motion.

Mr. Jones of Maricopa: There are a great many here who would like to see the $5,000 question voted on. If that is not possible, I move an amendment to the amendment that it read $5,000.

Mr. Kingan: You have the anomaly of an amendment to an amendment reading just like the original motion.
Mr. Cunniff : As I understand it, we have the motion of the gentleman from Cochise to amend to $6,500, and Mr. Jones of Maricopa has offered an amendment that the words $5,000 be put in place of $6,500. That is only an original motion, and two amendments.
Mr. Weinberger: I hope this committee votes this down, forthe reason it is for the interest of everyone in Arizona that we have competent talent on the Arizona bench, and we all know you cannot get good talent for $5,000. It will be a sacrifice to accept it even at $6,000 or $7,000. New Mexico has recently voted to make their salaries $6,000.
Mr. Wills: I recently voted for $6,000, but I am going to vote to put it up at $7,000.
Mr. Chairman: The chair is in doubt whether Mr. Jones' amendment is a second or a third amendment.
Mr. Lynch: The original motion before the house is a motion for the adoption of $7,000, appearing in the printed bill. It is amended now by motion to $6,000 and a further amendment by motion to $6,500. Now they want to amend it to $5,000.
Mr. Cunniff: I submit there was no motion for the $7,000.
Mr. Chairman: We will first pass on Mr. Ellinwood's amendment, and then you can move to make it $5,000 afterwards. Call the roll.
Roll call showed 25 ayes and 25 nays.
Mr. Chairman: The motion is lost.
Mr. Cunniff: I move this provision be amended to read $5,000.
Mr. Feeney: I object to the reduction of wages, of judges. We do not want them to be paid on the side by corporations.
Mr. Cunniff: We are not reducing; we are fixing the scale.
Mr. Chairman: Call the roll.
Roll call showed 9 ayes and 41 nays.
Mr. Chairman: The motion is lost. The question now before the committee is the final adoption of the motion with the words $6,000. Those in favor will signify by saying aye; contrary minded no. The motion is carried.
Mr. Wood of Yavapai: I move to amend Section 10, making the sentence commencing on line 13 read as follows: "The salary of each of the supreme court judges shall be paid by the county or counties for which he is elected.
Mr. Jones of Maricopa: I second the motion.
Mr. Wood: The reason for doing this is that under the present wording it forces the larger counties to pay the salaries of the judges in other counties, and I do not believe any county will be the recipient of charity.
Mr. Cunniff: It seems to me it was brought out in the debate yesterday that the superior court system was satisfactory to the southern counties in the territory, and not satisfactory to the northern counties, andit also brought out that we should meet in a spirit of accommodation in regard to having a system satisfactory to the northern and southern counties. We made an amendment that the counties of Coconino, Apache, and Navajo were to be combined, and if this is satisfactory to the smaller counties it seems to me a satisfactory solution of the matter.
Mr. Lynch: Just a word. The system is identical with that of California and Washington. The purpose is that the superior judge is a state officer and he can be taken away from his office to another district, and it was for the purpose of equalizing the degree of taxation in proportion

to the amount of work in each county. I think it is a good provision, and ought to stand.

Mr. Orme: I am heartily in favor of this amendment. A few of the counties pay a very heavy expense in supporting the government. This county (Maricopa) is assessed at $18,000,000 and Cochise at about $19,000,000; and Yavapai almost as large. I would like to know why we should be compelled to pay for the court in these smaller counties. If one-half of the cost is to be paid by the state, it would cost this county $3,000 more a year at least than if the one-half was paid by the counties.

Mr. Jones of Yavapai: It is the smaller counties which want courts of their own, and they should be willing to pay for it.

Mr. Cunniff: The gentleman says that this is in force in Washington and California. The same thing was said concerning Oregon a day or two ago. We are not making a constitution for Oregon, Washington, or California, and if this is satisfactory to the smaller counties and they are willing to pay for it, that is all that is required.

Mr. Colter: We threw three counties together yesterday for the purpose of economy. I see no reason why the state should not pay one-half of the salaries, if they do state work.

Mr. Parsons: They will be state officers. In Nebraska we have fifteen districts composed of a number of counties, but the salaries of the district judge are paid the same as the salary of state officers, and the counties are not saddled with even one-half of it. The property in the state pays the expense of the state officers. The gentleman from Maricopa says we are saddled with a very heavy tax because we have a large assessment of property. Any time Maricopa wants to unload I think Mohave will be willing to take it and pay taxes on it. I believe the taxes in the state should pay the expenses of state officers, and I offer an amendment to the amendment that the salaries of the superior judges be paid by the state.

Mr. Short: I second the amendment.

Mr. Chairman: Are you ready for the question? The question will come up on the amendment of the gentleman from Cochise, that the salaries shall be paid by the state omitting the word "one-half". Those in favor of the amendment will signify by the usual sign; contrary minded no, as their names are called.

Roll call showed 27 ayes and 23 nays.

Mr. Chairman: The motion is carried.

Mr. Doe: The members of the convention from the three northern counties, Apache, Coconino and Navajo, after correspondence with the leading taxpayers, are unanimously of the opinion that a saving may be effected to the territory and better service be secured in these counties by making such amendments as may be necessary to combine the three counties with one judge instead of two, and instead of paying the two judges $7,500, that we pay one judge $5,000; and in view of the fact that he will have to be traveling about two-thirds of his time and therefore incur a great expense, he should be paid his necessary traveling expenses, placing him in the same position as the judges in the superior courts for one county. The expenses would certainly be less than $500. and this would effect a saving to the state of $2,000 or the difference between $7,500 and $5,500. And I might further add that it is inadvisable to put the compensation so low that owing to conditions in those counties it would be impossible to get anybody that would be at all satisfactory. I move, therefore, that on line 23, page 8, insert "coconino" after the words "Counties of" and substitute the word "five" for "four" on line 24, same page. After the words "per annum" insert "and his necessary traveling expenses including board and lodging while absent from the county of his residence while in the discharge of his official duties in such county," and insert in line 1, page 9 after the word "County" the words "and all his traveling expenses allowed by law."

Mr. Parsons: I desire to ask the gentleman from Coconino a question. Do you want to include in that also to strike out the word "Coconino" on the same page, line 21.

Mr. Doe: That is my intention. I accept the amendment, I further move that there be stricken out the words commencing with the words "in case" on line 24 of page 8, and running to the end of that section.

Mr. Crutchfield: I believe a good deal of time would be saved if the section were recommitted, inasmuch as the entire system is changed and it would require so much change we could hardly do it in open session.

Mr. Coker: If this is going to be recommitted, I would like to call attention to another matter. I should suggest that this be recommitted and that the salaries be not fixed arbitrarily as now fixed. That is when the smaller counties develop and increase, the salaries of the judges should be made to increase automatically in the proposition in which the smaller counties develop.

Mr. Chairman: There is no motion before the house except the amendment offered by the gentleman from Coconino.

Mr. Jones of Maricopa: I offer an amendment to the amendment, to strike out all words beginning in line 16, "The judge of" and strike out the balance of the paragraph, and substitute this: "Salaries of the superior court shall be fixed by law, provided the judges first salary shall date from the time they qualify for office." My purpose is that I believe the question of salary is for the legislature, and we should not go into it but should give an opportunity for the legislature to fix the salaries as the people want them.

Mr. Short: In case that amendment should prevail, I should like to ask the gentleman from Maricopa what arrangement would be made for paying and fixing salaries until such time as the legislature takes action.

Mr. Jones of Maricopa: That is provided for in the bill.

Mr. Cunningham: The amendment offered by the gentleman from Maricopa is not in order, as we already have an amendment before us, and upon a different matter entirely from the amendment offered by the gentleman from Maricopa.

Mr. Chairman: The question is upon the amendment offered by the gentleman from Maricopa.

Mr. Doe: The gentleman can make his amendment just as well after my amendment is disposed of, and I would ask him to withdraw it until my motion is disposed of.

Mr. Jones of Maricopa: I agree to that,

Mr. Chairman: The question is upon the amendment of the gentleman from Coconino. Are you ready for the question?

Mr. Weinberger: I want to offer an amendment of only three or four words. I want to insert "until otherwise provided by law."

Mr. Chairman: That amendment has absolutely nothing to do with the provision of the judges for these three counties.

Mr. Weinberger: I will wait until later.

Mr. Chairman: Those in favor will signify by the usual sign; all opposed no. The ayes have it unless a roll call is called for.

Mr. Jones of Maricopa: I offer the following amendment: "Beginning on line 16 commencing with the words "The judges of" the balance of that paragraph is stricken out, and in its place is introduced the following: "the salary of superior judges shall be fixed by law provided the salaries of judges first elected shall date from the time they qualify for office."
Mr. Weinberger: I believe that will leave the judges without any salary, at least those who are first put on the bench. If the gentleman will accept the amendment I had in mind a little while ago, the legislature will have the right to provide for them. On line 16 insert these words "until otherwise provided by law," after the word "dollars."
Mr. Short: I second the amendment of the gentleman from Gila.
Mr. Jones of Maricopa: I accept the amendment.
Mr. Coker: I wish to offer an amendment to the amendment: On line 24 insert these words "but in no case shall the salaries of the superior judge be fixed at an amount less than herein named."
Mr. Goldwater: I submit that this is not an amendment; it is a separate proposition Mr. Chairman.
Mr. Chairman: The motion of the gentleman from Pinal is in order.
Mr. Winsor: I ask for a division of the question. Any member can ask for the division of a question.
Mr. Chairman: The question comes upon the amendment of the gentleman from Gila.
Mr. Franklin: Now, I hope this amendment will not prevail, for this reason: We had a long discussion of the subject in the judiciary committee, and we discussed the matter of the non-partisanship of judges and we have tried as best we could to take the judges out of politics. If the salaries are left to the legislature, the judges, as human nature is frail, will be continually trying to get their salaries raised or prevent their being lowered. We want to place them out of politics. I do not think they ought to be subject to the legislature at all.
Mr. Weinberger: As Maricopa County at present has a population of over 34,000, and Gila 16,000 and Yavapai 15,000, suppose that Gila or Yavapai county should be fortunate enough to have an increase to 30,000 or 34,000, it would be unjust on these counties to pay their judges $4,000 and the other judges $5,000 as provided by this section at the present time, and the idea is this, that the legislature will probably arrange some schedule according to population upon which to base the salaries of the judges.
Mr. Moeur: I believe it is just as impossible to keep these judges out of politics, as to get them into Heaven.
Mr. Wells: In the shuffle, I do not want you to lose sight of my amendment. I want it understood that Yavapai county wants a judgship at $5,000 and when the time arrives I want to make that motion.
Mr. Chairman: The question before the house is on the substitution or insertion--the amendment of the gentleman from Gila. Those in favor, will signify by the usual sign; opposed no. The ayes have it, and the next question is upon the amendment of the gentleman from Pinal, Mr. Coker. Call the roll.
Roll call showed 29 ayes and 18 nays.
Mr. Chairman: The amendment is carried.
Mr. Short: I move we arise and report progress.
Mr. Lovin: I second the motion.
The motion prevailed.

The President resumed the chair.
Mr. President: The convention will come to order. The gentleman from Greenlee, Mr. Tuthill.
Mr. Tuthill: "Mr. President, your committee of the whole, having had under consideration Proposition No. 82 and substitutes, report progress, and begs leave to sit again."
Mr. President: All those in favor of adopting the report of the committee of the whole answer aye; those opposed no. The ayes have it, and the report will be adopted.
Mr. Parsons: I move take a recess until 2 o'clock.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. The convention will now resolve itself into a committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.
Mr. Chairman: The committee of the whole will come to order.
Mr. Cunniff: I move the adoption of the amendment on page 8, which was introduced this morning relative to the county paying all the salary of its superior judge. It was not acted on this morning.
Mr. Wood: I second the motion.
Mr. Chairman: Are you ready for the question?
Mr. Parsons: I rise to a point of order. That question has been settled and disposed of. The same question was before the committee when we were last in session and I do not think it is in order now.
Mr. Cunniff: I submit that the amendment has never been voted upon. It is now introduced as new business, as not having been acted upon. The amendment was accepted this morning but this matter has not been acted upon.
Mr. Parsons: The acceptance of the amendment was equivalent to affirmative action by the committee and I submit the gentleman is in error.
Mr. Cunniff: I submit that as long as we are considering a proposition, it is subject to amendment either in its original form or as amended, and until the paragraph has been carried it is subject to new form of amendment.
Mr. Chairman: The amendment is in order. Are you ready for the question?
Mr. Cunniff: I would like to call attentionto the fact that all we are endeavoring to do here is to present a fair and square proposition, and that, after all, whatever the theory of the matter may be, the superior court carries on its business for and on behalf of the people in the county in regard to their individual rights and in regard to their private rights and it is only right and proper that the county having the services should pay for the court, I should like to submit some figures that my colleague, the very capable and able chairman of the committee on finance, accounts and expense, has prepared in regard to the cost of these courts. Cochise county, which secures under this provision, a judge who is paid $5,000, pay $10,750 and gets only that service, Maricopa county getting a $5,000 judge pays $9,914 for that service. Yavapai county getting a $4,000 judge pays $5,414. Gila county getting a $4,000 judge pays $4,120. It seems to me that the fair scheme is for each county to pay for its own judge.
Mr. Parsons: Now it may seem to the gentlemen of the con-

vention at first blush that this is all there is of it, and I understand from several sources that it is being said of me that I will go home and find the taxpayers of Cochise county censuring me. I want to see whether they will or not. The gentleman says he thinks these courts are purely county matters and that the county should pay for it. Then I want to say, are the taxpayers of Cochise county and Maricopa county and Yavapai county willing and ready to pay the expenses of maintaining the prisoners that their judges send out of the state penitentiary. If they are and you will give me the figures, I will show you that I will wipe out the difference between the $5000.00 and the $3000.00. I am here to fight for what is fair and equitable, and for paying state officers out of state taxes, but I want to say that the little county of Apache that sends only two prisoners a year to the penitentiary ought not to be taxed for supporting the three or four hundred that are sent from Cochise, Maricopa and Yavapai. If you want this I will get an amendment in here, and I believe the fair mindedness of this convention will stay with me, and if you put your amendment through we will tack on an amendment that you pay for the support of the prisoners that you send. (applause) On with your dance.

Mr. Chairman: Are you ready for the question. Those in favor of the amendment will answer aye as their names are called.

Mr. Winsor: I would like to call attention to the fact that in the event of the adoption of the amendment now proposed, it would leave the paragraph in a very incomplete form. This morning, being of a certain frame of mind, the committee of the whole decided that the state should pay the salaries of the superior judges, and carrying out that idea struck out the last sentence of the paragraph relating thereto, which provides for the paying of the traveling expenses by the county. Now, if this amendment could be adopted and each county should be required to pay for the superior judge there would then be no provision for anybody to pay the traveling expenses of a judge. There should be some provision for that.

Mr. Franklin: I move to amend the amendment of the gentleman from Yavapai, Mr. Cuniff, by inserting on page 8, on line 13, the following, beginning after the word "state" so that it shall read "one-half of the salary of each of the superior judges shall be paid by the state, and the other one-half by the county, or counties from which he is elected."

Mr. Baker: I second the motion.

Mr. Chairman: You have heard the motion, are you ready for the question. Those in favor of the amendment of the gentleman from Maricopa, which will make the proposition read practically as it was in the original will signify by saying aye. Those opposed no. The secretary will call the roll.

Mr. Parsons: I rise to a point of information. Do I understand that that is the motion--the motion now before the committee of the whole is to have the salaries of the judges paid half by the counties, and half by the state. It seems to me the matter is entirely out of order. We have passed one resolution that the state shall pay it. Now you have another one. You have both in effect. What are you going to do about it? As I understand, the chairman held that that kind of an amendment was not in order.

Mr. Chairman! The amendment provides to strike out, which they havea right to do. The motion is in order. Roll call showed 34 ayes and 17 nays.

Mr. Chairman: The motion is carried.

Mr. Winsor: That is the provision as it appears for a few minutes, and in order to make that complete, I move a reconsideration of the vote by which a very important clause in the section was stricken out which relates to that very same provision reading that in a case where there is to be a judge from more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between them or among them according to the assessed value of their property to be determined by the assessment, and etc. That was stricken out when, according to our frame of mind, we thought the state should pay all the salaries of the county judges. I move reconsideration of the vote by which it was stricken out.

Mr. Cunningham: I second the motion.

The motion prevailed.

Mr. Chairman: The vote on the original proposition to strike out those words will now be retaken. Those in favor will vote aye, those opposed no. The motion is lost and that clause is not stricken out of the bill as it now stands.

Mr. Wells: I move that after the word "Pima" the word "Yavapai" shall be inserted, and that the section be further modified to have the word "judge" in line 18, read "judges" and the word "courts" in line 19, read "court" and strike out the word "Yavapai" in line 18, and "counties" read "county," and strike out the word "each" after "shall".

Mr. Keegan: Mr. Chairman, I move that the amendment made by the gentleman from Yavapai be amended to read "Yavapai and Gila" on line 17 and that line 19 be made to read "Yavapai and Gila."

Mr. Chairman: If you make it read "Yavapai and Gila" in both lines 17 and 19 you make it contradictory.

Mr. Wells: Strike out the words "the judges shall receive, etc."

Mr. Hunt: I think I am conversant with Gila county and the views of that county in regard to this matter, and they have come to the conclusion that $4,000 is enough for the superior judge in our county, and as a large taxpayer in our county I protest against raising the salary of judges in our county to $5,000.

Mr. Weinberger: I also agree with the gentleman from Gila. I think the counties of Yavapai and Gila are being well treated by having a judge at $4,000 a year. We could not allow this amendment to go without a further amendment to include Gila county because Yavapai would have a judge who was receiving $5,000 and Gila would have a judge receiving $4,000. The population of Yavapai is 15,996 and the population of Gila county is 16,780. I think $4,000 is enough for each one of these counties and I will vote against the amendment.

Mr. Parsons: What difference does it make to the taxpayers of Gila county what Yavapai pays, if the county is going to pay the judges' salary.

Mr. Weinberger: It makes some difference to the people of the state. I second the amendment to the amendment by the gentleman from Gila.

Mr. Chairman: The amendment of the gentleman from Gila is to insert the word "Gila" in addition to the word "Yavapai, in line 17, and to strike out everything beginning with "the judge of the superior court, etc., shall not receive." Are you ready for the question? Those in favor will signify by saying aye; those opposed no. The chair will rule that the amendment is lost unless roll call is called for. Those in favor of the original amendment to insert the word "Yavapai" after the word "Pima", and make such changes as will make it readable, will signify by saying aye; those opposed no. Standing vote. Those in favor will signify by rising. Those opposed will rise. The amendment is carried.

Mr. Cunniff: I would like to point out what seems to me to be a typographical error. On page 9 at the end of line 3 the word "at" is left out.

Mr. Chairman: If there is no objection that word will be put in there.

Mr. Winsor: I move that the proposition be amended to provide for superior courts in each of the three counties of Coconino, Navajo and Apache, with salaries for the superior judges at $3,500 each.

Mr. Lynch: I second the motion.

Mr. Orme: There is no provision for the traveling expenses.

Mr. Chairman: Your amendment, Mr. Weinberger.

Mr. Weinberger: My amendment is to insert the words "five hundred" after the word "thousand" in line 20.

Mr. Chairman: There is one amendment before the committee that the provision be made for a superior judge in each of the counties mentioned at a salary of $3,500 per annum. Are you ready for the question.

Mr. Franklin: Mr. Chairman, I rise to a point of order on such an amendment. It is too indefinite and too ambiguous, and in the present form if it should be put I would be compelled to vote no. I do not know what provisions the committee on style, revision and compilation are going to put in there. I believe it should be the sense of this convention, if we take it in that light, to let this section 10 go to the printer and be returned so that we can have a definite understanding of its provisions, and then take it up and make these provisions suitable to the gentleman. I am perfectly agreeable to that.

Mr. Weinberger: I withdraw my amendment.

Mr. Winsor: I submit this proposition could not be placed in a more definite or plainer form than it is. Provision is made for superior courts in certain counties, with judges at certain salaries, and there are absolutely no other provisions contained in it. Changes have to be made in several places, and it is very confusing to attempt to define all of these changes on the floor. There are no other provisions to be contained except provisions of the courts and provisions of the salaries of the judges, and I submit we know exactly what we are voting upon.

Mr. Franklin: The very matter of putting it in the hands of somebody else to formulate seems to me indefinite. I have never heard of an amendment being put in that way. As I say, I would like to vote for this if it is the proper thing.

Mr. Webb: I would agree with the gentleman from Maricopa that it would be indefinite if it were a final passing upon it, but it is not final, and will be re-submitted for our approval.

Mr. Doe: If it be in order, I desire to make an amendment, that the provision be that the superior courts be established in the counties of Coconino, Navajo, Yavapai and Apache, and that the judge in the county of Coconino be $6,500. That would only make a difference of $1,500, one-half to be paid by the county. The fact is, to my certain knowledge, no one could be obtained there for less, and as I expect to resume the practice of law I do not want to practice law and I do not think any of the others would want to practice before a judge who was getting less than $6,500. While the present motion involves the further expenditure of $5,000, I have no objections to it for the counties of Apache and Navajo, but so far as Coconino is concerned, I do want to see a competent judge and one who cannot be secured for less than $6,500. If we can add $5,000 by carrying the motion as made to the total expense, I think it is only going a little further to allow Coconino to get the same sort of material.

Mr. Chairman: Do you accept that amendment?

Mr. Winsor: No sir.

Mr. Chairman: Those in favor of the amendment of the gentleman from Coconino will signify by saying aye; those opposed no. The motion is lost. Those in favor of the original amendment of the gentleman from Yuma will signify by saying aye; those opposed no. The motion is carried.

Mr. Weinberger: Mr. Chairman, I will submit my amendment. Insert the words "five hundred" after the word "thousand" on line 20, so it will read "four thousand five hundred."

Mr. Hunt: I second the motion.

The motion prevailed.

Mr. Chairman: Are there any further amendments. If there are no further amendments this section is considered passed, and we will consider section 11. Are there any objections to that paragraph as read? If not, it will stand approved. It is approved. Section 12. Any objections or amendments to paragraph 12? If there are none, it will stand approved. It is approved as read.

Mr. Ellinwood: I would like to make a suggestion as to line 11. "No judge of a court of record shall practice law in any court of this State." I guess that ought to be "in this state," because unless the change is made it would permit a judge to practice in the federal court. I will move you that the word "of" be changed to "in".

Mr. Sims: I second the motion.

Mr. Chairman: The motion is carried. Section 13.

Mr. Baker: I offer an amendment to paragfaph 13, line 15, after the word "been" that these words shall be added "a judge of or."

Mr. Doe: I second the motion.

Mr. Baker: So as to make the section read: "No person shall be eligible to the office of judge of a court of record, unless he shall have been a judge of or admitted to practice in the supreme court of this state or of the territory of Arizona.

Mr. Doe: I agree with that for the reason that my attention has been called to the fact that judges in this territory who have been in this territory longer than it required would be deprived.

Mr. Chairman: You have heard the amendment. Are you ready for the question?

Mr. Jones of Maricopa: In connection with that whole paragraph I would like to ask the committee the purpose of providing qualifications for five years or two years. What is the purpose of that? Is that to prevent--for instance, if some very competent person would come in here and we would want him for judge, is it to prevent him from being elected?

Mr. Cunningham: In answer to the gentleman from Maricopa

I would say it was considered by the committee that it would be necessary for a lawyer, although he may have been a prominent member of the bar in some other state in the east, to be here that length of time to become acquainted with our laws. It is not to keep him from being elected, but as our system of laws and the matters that surround us in this country are so different to those matters handled in the eastern states, it would be necessary for him to have some experience along those lines so as to give good satisfaction, and that was the only purpose of putting that qualification in there.
Mr. Chairman: You heard the amendment. Are you ready for the question? Those in favor will signify by saying aye; those opposed no. The amendment is carried. Any further amendments?
Mr. Ellinwood: I would like to ask Judge Baker if it is desirable to amend line 21 the same as was the superior courts "a judge of or." This is open to the same objection.
Mr. Baker: No, I do not think so, because the exigency has arisen concerning the supreme court and it could not possibly exist until you elect your superior judges and the qualifications are the superior judges shall be so and so.
Mr. Jones of Maricopa: I move an amendment to lines 16 and 17, where "five years" appears to make it "three years" in both paragraphs of section 13.
Mr. Cobb: I second it.
Mr. Chairman: The amendment of the gentleman from Maricopa is that on lines 16 and 17 where the word "five" appears, change "five" to "three" in both cases. Those in favor will signify by saying aye; those opposed no. The motion is lost. If there are no further objections or amendments to section 13 it will be considered passed. It is passed. Is there any objection to paragraph 14. If not, it will stand approved. Are there any objections or corrections to section 15. If not, it will stand approved. If there are no objections to section 16, it will stand approved. It is approved. Next section. Are there any objections to paragraph 17? If not, it will stand approved. It is approved.
Mr. Jones of Yavapai: There does not seem to be any provision for the salary of the court clerk before the legislature meets.
Mr. Lynch: The question raised is good; there is no provision for the clerk of the court until such time as the legislature does provide. We would have to be paid under the fee system, as it now stands. We do not believe it would be possible for us to provide a scheme or system of salaries such as would be accepted by the convention inside of six years.
Mr. Moeur: The county clerk, and county recorder, are combined in a number of states. For example Texas. Why not combine them here?
Mr. Lynch: That proposition was also before us. When you consider that the recorder in Cochise county often has six or seven deputies working steadily in his office, you can readily see that the recorder of Cochise county cannot attend to the work of the court; and therefore, we deemed it advisable to leave it for the legislature.
Mr. Short: I understand that the fee system for our clerks of the district court is a very bad one, and it seems to me we might arrange a salary to be paid the clerk until provided by law, and not retain the fee system.
Mr. Jones of Yavapai: I understand that we intend to do away with the fee system entirely, and therefore, the clerk

would not have any pay at all.

Mr. Chairman: It is in order to present an amendment to that effect.

Mr. Parsons: To settle the question I move an amendment after the last word of the first paragraph, (which seems to me ends the section, as the next paragraph is not marked, and the numbers skip from eighteen to twenty) add "the salary of such clerk until otherwise provided by law shall be $250.00 a month."

Mr. Cunningham: I second the motion.

Mr. Weinberger: I offer this amendment: That "until such salary shall be fixed by law, the board of supervisors of the respective counties shall fix such salaries."

Mr. Chairman: You have heard the amendment offered by the gentleman from Gila. All those in favor will signify by saying aye. Those opposed no. The ayes have it, and the amendment is carried.

Mr. Feeney: I would like to make an amendment to section 19 by inserting section 26 of the minority report after the word "law" in line 2, page 11.

Mr. Parsons: I second the motion.

Mr. Winsor: I would like to ask for information if the legislature has not already that power--if there is any prohibition against the legislature having that power.

Mr. Lynch: Section 26, of the minority report is absolutely at variance with section 19; it has absolutely nothing to do with court commissioners, and furthermore if it is a matter that should be put in the constitution it should appear in another place. Further than that, the legislature has absolutely power to regulate these matters, right now, and you cannot take it from them. I object to putting it in.

Mr. Chairman: Will the gentleman agree to withdraw the amendment?

Mr. Feeney: No. Put it to a vote.

Mr. Winsor: I would like to vote for it if anyone would tell what the object is. The constitution requires the legislatureto pass certain laws. Our constitution is simply one of limitations, and these limitations are probably right and proper, but this limitation has never been placed on the legislature, and therefore, I can see no occasion for it now.

Mr. Chairman: The chair will rule that this is not germane to the section. If there are no objections to that section it will be passed. If there are no objections to section 20 it will be considered passed. If there are no objections, section 21 will be considered passed.

Mr. Feeney: I make again the motion I made formerly, that section 26 of the minority report be made section 22 of the majority report, of this committee.

Mr. Parsons: I second that motion.

Mr. Chairman: Gentlemen you have heard the motion. Are you ready for the question? Those in favor will signify by saying aye. Opposed no. The chair is in doubt. The secretary will call the roll.

Roll call showed 20 ayes and 29 nays.

Mr. Winsor: I desire to explain my vote. I would be perfectly willing to vote for this measure if anyone, who has sufficient comprehension, would give one reason why it should be in the constitution.

Mr. Cunniff: I should like to offer an amendment. This amendment is the last paragraph of Proposition 69 as introduced by Mr. Coker of Pinal County, which was indefinitely postponed. It is the same as section 22 in its revised form with some minor changes, but the idea is the same.

"The pleadings and proceedings in criminal cases in the courts shall be as provided by law, but no case shall be reversed for technical error in pleadings or proceedings whereupon the whole case it shall appear that substantial justice has been done."

Mr. Hunt: I second the motion.

Mr. Franklin: I hope the amendment of the gentleman from Yavapai will not prevail. It seems to me if we have this provision in our constitution the judge would be arbitrary master of the liberty of a man who comes into the court charged with crime. He should be apprised of the charge against him and he should have rules of law to guard and protect him. If we place such a clause in the constitution, juries will be no protection, but it will be left to the judge alone. I hope this will not prevail.

Mr. Cunniff: I beg to point out that the phrase "technical error" does not provide any necessity for such forebodings as the gentleman from Maricopa apprehends. We know that one of the great laws in courts of justice isthat cases are reversed on mere technical error, meaning matter of workmanship. The court would have to decide in cases brought before the court under a provision of this kind, whether justice had been done, whether the technical error made was not really a material error. It is true the courts now use some discretion in deciding whether the technical error is of sufficient importance to reverse the case, but it seems to me this is no more than giving the court powers which courts are assuming at the present time. I believe this would be a protection for the public and a protection for the accused man in criminal cases. Cases should not be decided on mere technical error.

Mr. Ellinwood: I would like to ask the gentleman from Yavapai for the legal definition of "technical error." I am free to confess I do not know what it means. If the error is important enough to control, it is a substantial error. If it is too small the court will disregard it. I do not know what he means in law by the term "technical error."

Mr. Cunniff: I am not offering a legal definition of words, I am offering it as a dictionary of the English language would give its meaning. It is up to the court to decide its legal meaning.

Mr. Parsons: I agree fully with Mr. Franklin so far as this matter refers to criminal jurisdiction. Criminal law is said to be, if it is possible to apply the term to any part of the law, an exact science. I believe that if the amendment prevails it will simply do irremediable injury, and I therefore oppose it.

Mr. Cassidy: I understand that courts are instituted for the purpose of doing substantial justice. If the record shows that substantial justice has been done, why send it back for new trial, and undo the substantial justice. I believe we should get away from these technicalities and irregularities where substantial justice is done. We all know there is a great deal of criticism both in civil and criminal cases as to the way in which these technicalities and irregularities are allowed to stand in the way of substantial justice. I am opposed to allowing these technical errors and irregularities to stand in the way and I am in favor of the amendment.

Mr. Parsons: One word in reply to the gentleman. I want to say his argument would apply with most appropriate effect to the hanging of a man caught in the act of committing a crime; substantial justice has been done. He got just

Q. Do you know the property from personal inspection, or how?
A. Yes, sir.
Q. As a real estate dealer, you are familiar with real estate
in this city.
A. Somewhat, yes, sir.
Q. You have seen the tracks constructed by the defendant rail-
mpany south of the property, have you not?
A. Yes, sir.
Q. You know that this property extends twenty-five (25) feet
of the line of the building on the property, do you not?
A. Yes, sir.
Q. And within about fourteen (14) or fifteen (15) feet of these
?
A. Yes, sir.
Q. I will ask you now, Mr. Martin, to state to the jury what
r opinion was the value of that property in the absence of those
?
A. Per foot?
Q. Yes, sir.

OF IOWA,)
ss.
OF SCOTT.)

REPORTER'S CERTIFICATE.

I, Walter L. Marvin, do hereby certify that I am Official
r to the District Court of Iowa, for the 7th Judicial District,
for Scott County, under and by vietue of appointment of one of
lges of said Court; that as such Official Reporter I was present
Court Room and took down in shorthand the evidence in the case
Diamond Jo Line Steamers, et. al., vs. The D. R. I. & N. W. Ry
. al., tried at the November Term, A. D. 1921, of the District
of Iowa in and for Scott County, and filed said shorthand notes
he Clerk of said Court on the 23d day of November, 1921; that I
d all the evidence in said case, and that my shorthand notes
e and correct; that the above and foregoing transcript of testi-
a true and accurate extension of my said shorthand notes, and
full, true and accurate transcript of all evidence offered or
ced on said trial, giving all exhibits offered or introduced;
he said transcript also contains all objections of counsel for
ffs and defendants to the testimony, the rulings of the Court
, and the exceptions at the time taken and preserved; and that
anscript is the official report of said case.

REPORTER.

what he deserved. I might ask the gentleman again for the definition of substantial justice; is it the opinion of the mob? The men who burned that Mexican at the stake in Texas recently, and almost involved us in international troubles, believed they were doing substantial justice.
Mr. Cunniff: I wish to tell you of one case in which the indictment was drawn up and under the law it was necessary to say it was committed against the peace and dignity of the state, but the indictment stated "against the peace and dignity of state" omitting the word "the" and although it was absolutely a clear case of guilt, the case was reversed, merely because of that technical error. In another case, a man accused of murder was named as "Frank Strange alias John Winters" and the case was reversed upon the ground that the man's name was "John Winters, alias Frank Strange." There are cases also in which it is possible by collusion on the part of the clerk of court to leave out a semi-colon or a word here and there, and in spite of the fact that substantial justice has been done, get the case reversed, and multiply the number of cases and the services of attorneys through mere technicalities. As I said earlier, there is a tendency on the part of the court to follow out this very plan as outlined here, and the constitution is a declaration of policy and principle as well as for the purpose of establishing government and laying down restrictions, and we should show to the courts of Arizona that they are supposed to see that the court administers justice and not merely technical rules in drawing up documents.
Mr. Cunningham: I think the gentleman from Yavapai hardly understands the full extent of his expression "technical error." Let us illustrate: If John Jones should be accused of stealing a horse, and be arrested and indicted, and when the trial came Bill Smith was brought upon the indictment and should be convicted and sent to the penitentiary on evidence properly before the court, a technical error would have been committed. The man charged in the indictment would not be subject to the court and yet the case could not be reversed.
Mr. Cunniff: Would substantial justice be done in such case?
Mr. Cunningham: It would to Bill Smith.
Mr. Cunniff: I maintain that it is a clear case where it has not been done.
Mr. Weinberger: I think the matter we are thrashing out is already covered by the statute. If you will read the provisions of our criminal code, you will find it is pretty well covered.
Mr. Cunniff: Let us have it in our constitution, and it will be the guide.
Mr. Crutchfield: I hope this amendment will prevail. I believe it will go far toward alleviating the distress in the minds of the people at large in regard to the neglect of the courts and the failure by speedy trial to secure justice. I believe that the widespread dissatisfaction is not with the court as a whole, but because of just such conditions as this amendment endeavors to meet. I believe instead of suggesting mob spirit, that following such an instruction as this the courts would allay all necessity for any mob.
Mr. Chairman: Those in favor will signify by saying aye; opposed no. Call the roll, Mr. Secretary.
Roll call showed 28 ayes and 22 nays.
Mr. Ingraham: I wish to say, gentlemen, that I am in

sympathy with the spirit that I believe moved the gentleman from Yavapai in making this amendment, but I do not feel that it reaches the core of the question in hand, and I therefore voted no.

Mr. Chairman: The motion is carried.

Mr. Sims: With your permission, I would like to revert to Section 5, page 5, and offer an amendment to lines 8, and 9, making them read "thirty" instead of twenty. I offer this amendment in the spirit of economy, and I believe under this system it will not be crowding the courts in any way, and therefore I offer this amendment.

Mr. Feeney: I second the motion.

Mr. Chairman: Those in favor will signify by saying aye; opposed no. The ayes have it, and the amendment is carried.

Mr. Hunt: I move you when the committee arises it report this bill back to the convention and recommend that it pass as amended.

Mr. Cassidy: I wish to amend by adding section 23 to the majority report as follows:

"Sec. 23. All laws relating to the authority, jurisdiction, practice and procedure of district and probate courts, under laws heretofore enacted by the legislative assembly of the territory of Arizona and in force at the time of the admission of the state into the Union, and not inconsistent with this constitution, shall, so far as practicable, apply to and govern superior courts, until altered or repealed; and, until otherwise provided, superior courts shall have the same appellate jurisdiction in cases arising in courts of justices of the peace, as district courts now have under said laws."

Mr.Cunniff: I second the motion.

Mr. Ellinwood: I am heartily in sympathy with this provision, but think it relates entirely to the schedule for temporary matters, and does not belong in the judiciary bill.

Mr. Cassidy: I think the general saving clause in the schedule would not be sufficient to cover the case in hand, for the reason that we have absolutely abolished our district and probate courts. The words "superior court" does not appear on the statutes in any place, and I think it is absolutely necessary to bridge this thing over that we have this section 23 adopted. Furthermore, I do not find anywhere in this majority report a provision for appeals from justice of the peace until after the legislature may pass such laws. There ought to be some laws between the time of the admission of the state and the time when the legislature passes laws on that subject.

Mr. Cunniff: If this is to be put in elsewhere, that is purely a matter of compilation and can be attended to afterward. It seems to me the gentleman from Maricopa has made a good point and that it really ought to be put in here, and if we pass it now we will not have to bother with it later.

Mr. Chairman: All in favor of the motion will signify by the usual sign; opposed, no. The ayes have it, and the amendment is carried.

Mr. Ingraham: I move an amendment by adding section 24 as follows: "No change made by the legislature in the number of judges shall word the removal of any judge from office; and no judge's salary shall be reduced during the term of office for which he was elected."

Mr. Winsor: I second the motion.

Mr. Ingraham: I would like to say that this parallels a provision in the United States constitution. The members will all recall that the United States constitution provides that no judge shall be removed from office during his incumbency and his salary shall not be reduced. It goes further and says his salary shall not be increased during his incumbency. Now the purpose is to make the judiciary independent of the legislature, and the purpose of any amendment is to the same effect. We have a provision that the number of judges may be increased from 3 to 5, and it is in the power of the legislature to cut down the number of 5 to 3. If an important case were coming up it might be very easy for the legislature to discover the opinion of two of the judges on the supreme bench and simply remove them, and cut down the number from 5 to 3; or they might cut down the salaries of the supreme court in order to compel them to recall the opinion they had rendered or threaten them if the opinion be not rendered. Of course, anything sufficient to make a provision in the United States constitution ought to be sufficient for us.

Mr. Ellinwood: Will the gentleman yield for a question? I would like to ask whether this is in conflict with the right of recall of a judge- if we place a restriction on the power of the people to recall a judge.

Mr. Ingraham: I see it would. We would have to say, instead of "by law" "by the legislature." I ask permission to change the word "law" to "the legislature."

Mr. Chairman: Are you ready for the question? Those in favor signify by saying aye; opposed no. The secretary will call the roll.

Roll call showed 39 ayes and 5 nays.

Mr. Chairman: The amendment is carried.

Mr. Hunt: If there are no more amendments, I make a motion that the committee now arise and report to the convention a recommendation that this bill be passed as amended.

Mr. Langdon: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Tuthill: "Your committee of the whole begs leave to report it has had under consideration substitute Proposition No. 82, and respectfully recommends that it be adopted as amended."

Mr. Tuthill: I move the report be adopted.

Mr. Winsor: I second the motion.

The motion prevails.

Mr. President: Shall it be engrossed and have a third reading?

Mr. Winsor: I move you that in addition to the regular duties of the committee on style, revision and compilation that it provide for superior courts for Navajo, Coconino and Apache counties at a salary of $3500.

Mr. President: If there is no objection, that will be considered as passed.

Mr. Weinberger: I move we take a recess until 7:30 o'clock this evening.

Mr. Winsor: I second the motion.

The motion prevailed.

Convention stood at recess until 7:30 p. m.

NIGHT SESSION.

Mr. President: Gentlemen of the convention, we have for consideration several propositions, and if there is no objection the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Jones in the chair.

Mr. Chairman: The committee will please come to order. The secretary will read the business before us.

Secretary: (reading) "Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report it has examined Proposition No. 33, and respectfully recommends that the proposition herewith submitted be substituted for Proposition No. 33, and that Substitute Proposition be adopted."

Mr. Chairman: If there is no objection, the secretary will read it section by section, and the committee will pass on each section separately. Section 1.

Mr. Cassidy: I move that in place of the word "two" in line 4, the word "four" be substituted.

Mr. Osborn: I second the motion.

Mr. Cunniff: One of the guaranties of democratic government is short terms, with frequent reference to the people, and it seems to me the best form of republican government in any state is to have the governor elected for two years. It would be a mistake to have the governor elected for longer than two years. It has beensaid that the recall affects this matter, but as we do not intend to use it, but only have it for emergency, it seems to me four years is too long.

Mr. Parsons: I am happy to be able to announce to this committee that at least for once the gentleman from Yavapai and I are in hearty accord. I think two years is plenty long enough, for the chief executive.

Mr. Webb: I desire to further amend, and I believe the mover will accept the amendment, that in line seven "1913" be changed to "1915."

Mr. Cassidy: I accept the amendment.

Mr. Parsons: With reference to this matter there is something I wish to call your attention. We have no assurance that even in 1915 we will be a state, and it would be better not to express any date, but leave it with reference to a given time after we obtain statehood. We have no assurance that will ever get statehood. I know men within the hearing of my voice who fifteen years ago thought we would get statehood, and I do not think anyone man can say for a moral certainty that we will have statehood. I think we will have it within the next twelve months, but I think we will make a mistake if we put this date in.

Mr. Webb: We take it for granted that if we get statehood under the present enabling act it will be prior to 1915.

Mr. Short: If we get statehood under this constitution, I see no harm in having a set date. If we do not get statehood what is the objection. I can see no harm in leaving it 1913, and in regard to the other amendment I would state that at first I was in favor of a four year term, but when you consider the fact that the people have direct primaries, I do not see that a four year term is any better than two. It is usually argued that the first year the governor is becoming accustomed to his office, and the next year he is using his office to build up a machine so that he can be re-elected, but in the present state he cannot build up a machine, because he has no assurance that his machine will be in working order when he comes to the primary.

Mr. Jones of Yavapai: In regard to changing the year 1913 to 1915, we thrashed that out very thoroughly in the committee, and we settled on that date, after due consideration, and I think we did very wisely. Our first state officers will be elected under the obnoxious terms of the enabling act, and their terms should be as short as we can make them. Our first state officers should be removed as soon as we can possibly manage it.

Mr. Cunningham: I ask for a division. Two distinct matters are being discussed; one of the term of office, and the other the date of election. I will ask that they be voted on separately.

Mr. ConnellY: What I would like to be informed of is, if we have a two year's term, can we not have them on the off years; that is, 1913, 1915 and 1917.

Mr. Winsor: It seems to me that the fact that we have a direct primary is one of the very best arguments in favor of a four year term. It is generally considered that the direct primary absolutely does away with either personal or party machines. Neither in one, two or six years can a man build up a political organization with which he can, with any assurance, insure his reelection to office, and I am satisfied that every man here will agree that the greatest efficiency can be obtained with reasonable continuity and with two years, as my colleague has just said, the incumbent is just acquainted with the duties of his office, and begins to build up a machine. Now he cannot build up a machine under the direct primary; at least that has been the experience in those states which have it. I believe the greatest efficiency will be secured in the last two years of the four year term.

Mr. Cunniff: In the state in which I was born, we have the governor's term one year, and a constitutional amendment changing it to two years was voted down overwhelmingly. That state has produced some of the best democratic and republican governos in the country. The system of one year terms works well. We are moving away from the democratic policy of having frequent references to the people, and are extending the term to the longest of any governor in the country.

Mr. Winsor: May I ask the gentleman a question? Has that state had a direct primary system?

Mr. Cunniff: It has adopted one recently, and has made no change.

Mr. Webb: The request that the question be divided is inconsistent, in that if the first amendment prevails it will fix the time at four years, andwe presume if we get statehood at all under the four term year of office, the expiration of the first incumbent would be 1915, and not 1913.

Mr. Chairman: The chair rules that the two amendments should properly be voted upon together. The original amendment is to make a change of from two to four years, and it will be acceptable to put these two together.

Mr. Cunningham: I ask for a division. After discussing the term of the governor it would be easy to change the date of expiration. We have not discussed two things; one the term of office, and one the expiration.

Mr. Webb: I rise to a point of order. The chair has ruled upon that.

Mr. Jones of Yavapai: You will pardon me; you stated the first election; this is the expiration of the term of office of the first governor.

Mr. Cunningham: Now when we vote we will vote either yes or no. Will we vote yes for two years, and no for the change of date? How are we going to vote if we want this to stand at 1913, and want the term changed to four. I think this is two distinct questions absolutely.

Mr. Chairman: There seems to be no serious objection to separation. The question will be on the amendment to the amendment, changing the year 1913 to 1915.

Mr. Winsor: As I understand it, the chair has rules that the question is on the change of this date. I submit that the request of the gentleman from Cochise was to divide this question, and I further submit that logically the first motion is that with reference to the term of office and should properly come first, inasmuch as upon the determination of that is dependent the second amendment.

Mr. Webb: Actuated by a desire, if possible to bring order out of chaos, I withdraw the motion.

Mr. Chairman: The question before the committee is the amendment of the gentleman from Maricopa. All in favor will answer aye; opposed no. The secretary will call the roll.

Roll call showed 13 ayes and 27 nays.

Mr. Chairman: The amendment is lost. Any further amendment.

Mr. Kingan: I would like to ask, as matter of information, the following question: It is provided in section 1, that the first state officers shall be elected at the election under the enabling act, and that they shall hold office, until the first Monday in January, 1913, and until their successors are elected and qualified, but no provision seems to be made for the election of their successors, at any time at all.

Mr. Weinberger: If I may be permitted to answer the question: Provision is made that the governor and officers shall hold office for two years.

Mr. Chairman: If there is no further objection, the proposition will be considered passed.

Mr. Kingan: I understand that it is required that all of these officers be required to reside at the seat of government. That may work a great hardship, especially to the attorney general. He would have to move his office for the short term of two years, and I think an exception should be made at least in this case.

Mr. Weinberger: We have not come to that, Mr. Kingan.

Mr. Chairman: We will consider the second paragraph. If there are no objections, we will pass to Section 2.

Mr. Jones of Yavapai: Mr. Chairman, today we passed a residence qualification for the judges of the supreme court of three years. I move that instead of "five" in line 21 we insert "three."

Mr. Crutchfield: I second the motion.

Mr. Colter: I offer an amendment, making it six years, instead of three.

Mr. Osborn: I second that amendment.

Mr. Cunniff: I would like to ask the judiciary committee what the idea is of having in the judiciary bill a limit of two years, and extending it here to five.

Mr. Cunningham: The judiciary committee has never had this bill before it. I do not know what they would do. The committee on executive, impeachment and removal from office reported this bill.

Mr. Cunniff: The point I make is this: I would like to have those who wish to preserve this here explain why the superior judges should have only a two year residence qualification, and these other officers five.

Mr. Cunningham: I am a member of the committee which reported the proposition and we talked this matter over, and it seemed this was a fair number of years to be a resident of this territory. I still think it is, and I hope the amendment will carry, without comparison to anything else. There is no more specific answer to make. I trust this matter will not be patched up like the judiciary bill was this morning so that it is unrecognizable.

Mr. Colter: I hope if it is necessary to patch up this matter, as it was this morning, that it will be done.

Mr. Lynch: I would like to answer the gentleman from Yavapai by saying this: that the persons capable of filling the office of superior judge are few, and when a newcomer comes in who is qualified, the qualification might be shortened for him. You may find it difficult to find a lawyer capable and honest enough to fill this position of superior judge.

Mr. Short: I would like to say for the benefit of the gentleman from Yavapai that the term of two years as to the superior judge was for the benefit of the smaller counties, where there are few lawyers, and if a longer period was necessary it would be impossible to secure a superior judge in some of the smaller counties. Further I would like to say that so far as the democratic party is concerned, I think it will have no trouble in finding a competent man for governor who has resided for five years or longer in the territory, even though they may have to go outside of Yavapai county to get him.

Mr. Ellinwood: I think the spirit which promoted this paragraph might be explained by this fact. I, with some others present, have lived twenty years in this territory. During that period we have lived under a carpet-bag government. Our governor has been sent to us until the last year or two. The judges of our courts come from foreign jurisdictions, and they bring their clerks of court and other officers. We have lived under this carpet-bag system so long that when the gentlemen framed this paragraph they were more or less imbued with this idea, and thought any man elected governor ought to be a resident for at least five years.

Mr. Colter: I am willing to withdraw my motion. I think there are sufficient here to stand for five years, but I want nothing else.

Mr. Cunniff: I find myself in a rather peculiar position here. In the first place, I made no argument on this point; I merely asked for information. I think this term has been placed in here on the same principle that the term like this was placed in similar constitutions, and it is perfectly sound and satisfactory. I make no opposition. One reason why I should not oppose it, is I do not believe in carpet-bagging in any form, and further I have not been five years in the territory of Arizona myself.

Mr. Weinberger: I offer an amendment which is merely technical. At the end of line 22 add the following words "or of the territory of Arizona." It is well known that the first state governor could not have been a resident for five years in the state at the first state election.

Mr. Chairman: You have heard the original motion to change the term from five to three years. Those in favor of the amendment vote aye; those opposed no. The nays have it, and the motion is lost. Those in favor of the motion of Mr. Weinberger to add the words "or of the territory of Arizona" answer aye; opposed no. The ayes have it, and the motion is carried.

Mr. Ellinwood: I wish to offer an amendment, and this it seems to me is a more serious matter. In line 19, the proposition reads "no persons shall be eligible to any of the offices mentioned in Section 1 of this article except "a" and after the word "a" insert the word "male."

Mr. Cunniff: I second the motion.
Mr. Chairman: All those in favor of the motion signify by the usual sign; opposed no. The motion is lost.
Mr. Kingan: I would like to have permission to go back to section 1, paragraph 3. As I said a few moments ago, section 1 as it now reads requires the attorney general to reside at Phoenix. Now the salary is small, and this will simply mean that the attorney general will have to be a member of the local bar, because you cannot get a competent lawyer to come and reside here for so short a period as two years, and leave his practice. I therefore move you to amend the third paragraph of Section 1 to read "The officers of the executive department (except the attorney general)"
Mr. Chairman: The secretary will call the roll on the amendment of Mr. Ellinwood, which is before the house, to insert the word "male."
Mr. Lynch: I desire to explain that I vote no for the reason there is nowhere a provision that the officer must be a qualified elector; in other words, you can elect, as far as section 2 is concerned, a person who is not a qualified elector at all. Therefore, you must have somewhere else in the constitution a provision that he is to be an elector of the state,and if you have that, the amendment of the gentleman from Cochise is absolutely unnecessary.
Mr. Hunt: I do not think any lady will run for any office, to which she is not eligible.
Mr. Weinberger: The committee on executive took it for granted that the committee on suffrage and election would provide such a provision, so this was not provided for.
Roll call showed 23 ayes and 17 nays.
Mr. Chairman: The motion is carried. Section 3 is next.
Mr. Goldwater: It isn't often I get up to amend any of these things, but I want to offer an amendment on line 24, after the word "military" insert the words "naval".
Mr. Chairman: If there is no objection, the secretary will make the insertion.
Mr. Kingan: I would like to renew my motion as to the attorney general; is to amend paragraph 3 of section 1, line 14, by excepting the attorney general, for the reasons I have announced.
Mr. Orme: I ask the gentleman in question if he thinks Maricopa county could not furnish a competent man? Haven't we good enough attorneys?
Mr. Kingan: I do not think that at all.
Mr. Chairman: You have heard the motion. Are you ready for the question?
Mr. Cunningham: I would like to suggest that if the gentleman will refer to section 13 they will see in line 14 that the salary of the attorney general is fixed at $2500. It was fixed at that figure, when the matter was discussed in the committee, because the attorney general, while he shall be an eminent lawyer, would not be prohibited from practicing his profession and could attend to the duties of his office and also the duties of his private business. Hence he would not require a salary sufficient to maintain him, and it seems eminently unfair that this amendment should be made at this time.
Mr. Webb: Mr. Chairman, I do not think the position taken by the gentleman from Cochise is well taken. While I do not wish to confine the office to Phoenix, I do say that the place of office should be in Phoenix, as the duties of the attorney general would require that he be here.
Mr. Ellinwood: I am opposed to this amendment for this

reason: We are not making a constitution at this time for conditions as they now exist, but, as we look at it, for all time. If there is any one officer whose office should be located at the seat of government, it should be the attorney general. If the salary is not sufficient, then double it.

Mr. Chairman: All those in favor of the motion will say aye; contrary minded no. The motion is lost.

Mr. Chairman: Paragraph 4 is next.

Mr. Cunniff: Delegates discussing Section 4 with me this evening called my attention to the fact that they understood it to mean United States government, and therefore I move an amendment to introduce the word "state" before "government" in line 2 and before the word "executive" in line 3.

Mr. Cunningham: I offer an amendment, to strike out the word "government" and insert in lieu thereof the word "state".

Mr. Cunniff: There is a word in line 3 where we have officers of the executive department. I want to make clear here that this does mean the "state".

Mr. Cunningham: It would make it clear to say---

Mr. Roberts: I second Mr. Cunningham's motion.

Mr. Osborn: I move we strike out the words beginning with "officers of the government civil and military."

Mr. Lynch: I second the motion, Mr. Chairman.

Mr. Chairman: You have heard the amendment offered by the gentleman from Maricopa to strike out the words "officers of the government civil and military."

Mr. Weinberger: It has been copied almost entirely word for word from at least two-thirds of the constitutions of the United States. They all seem to follow this form. While I do not know as we need to follow any particular form, but so long as so many states have---

Mr. Parsons: If the amendment of the gentleman from Maricopa prevails, we do not need any other executive officers if the governor is to transact all the business. Why pay salaries to the other fellows. He says the governor is to transact all the business of the state. I think that unless this other matter is left in there it will certainly put us in a very peculiar position, and I am opposed to the amendment.

Mr. Weinberger: I will state that probably thirty other states have the same provision.

Mr. Chairman: Are you ready for the question, gentlemen? The motion is on Mr. Osborn's amendment to strike out the words "officers of the government civil and military." All those in favor will signify by saying aye; contrary no. The nays have it. The motion is lost. The motion of the gentleman from Cochise was to strike out the word "government" in line 2 and insert the word "state".

Mr. Webb: I would like to ask the gentleman from Gila, is that copied verbatim also, from the forty odd states?

Mr. Weinberger: I will say that the committee on executive could not be original with respect to this proposition because we followed the precedent established by all the other states. This is the form in California, Arkansas, Delaware, Florida and a host of the other states.

Mr. Chairman: Are you ready for the question? Those in favor will indicate by saying aye; those opposed no. The nays have it. The motion is lost. Now the question is on the motion of the gentleman from Yavapai to insert before the word "government" "state," and before the word executive, "state," in lines two and three.

Mr. Parsons: Mr. Chairman, suppose it were possible that this state should have some business with the federal government, who would look after it then? Is it not well enough then to leave that out and let the governor represent us whether it be state government or federal?

Mr. Short: I would like to ask the gentleman from Cochise if he has discovered anything in here that would prevent the governor from transacting that business.

Mr. Chairman: All those in favor of the amendment as suggested by the gentleman from Yavapai will indicate by saying aye; those opposed no. The nays have it. The motion is lost. Any other suggestions? We will consider section 5.

Mr. Feeney: Does that give the acting secretary of state authority to grant pardons?

Mr. Weinberger: I will say that the committee was a little more exact than the other states. You will notice in the other states the governors have powers that they carry too far at times. Under this section the laws will be passed restricting the governor's pardoning powers "with such restrictions as may be provided by law." So I think no objection can be found to this section.

Mr. Chairman: If there is no objection we will consider this passed, and take up section 6.

Mr. Cunniff: I move an amendment as follows: Strike out "the next general election" in the last line, and insert "or until the governor shall have been elected at the next general election and shall have been qualified." That section does not provide for the interim between the election and the qualification from November to the first of January.

Mr. Osborn: I second the motion.

Mr. Cunningham: I would suggest that just prior to that the wording seems to cover the matter. It says "during the remainder of the term or until the disability ceases," and it seems to me that it would be covered in that wording.

Mr. Cunniff: If that is covered by the previous clause, what is the point of that "next general election?"

Mr. Kingan: I move that the section be amended so as to read as follows: "In case of impeachment of the governor, his removal from office, death, or inability to discharge the duties of his office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state until the disability ceases, or until the expiration of the term," which covers the whole situation.

Mr. Short: That is exactly what it says, only the gentleman has transposed it.

Mr. Kingan: I left out the last word, Mr. Short.

Mr. Short: Then I second the motion.

Mr. Winsor: That simply strikes out the words "or until the next general election." It seems to me a motion to strike out those words would be in order.

Mr. Chairman: The original motion has been withdrawn, and the question is on the amendment offered by the gentleman from Pima, Mr. Kingan. All those in favor will signify by saying aye; those opposed no. The ayes have it.

Mr. Ellinwood: I move a further amendment at the end of line 17, end of the section, to insert the following: "Provided, however, that during the temporary absence of the governor from the state, of his inability to act, the secretary of state shall not grant reprieves, commutations or pardons."

Mr. Wood: I second the motion.

Mr. Chairman: You have heard the motion submitted by the gentleman from Cochise. Are you ready for the question?
Mr. Lynch: It certainly seems to me that that is applying a very general remedy to a very special case. We have had one possible infraction of that principle, and now we are going to apply a constitutional remedy to cure a local disease, and that has already been cured by other process.
Mr. Cunniff: That is shooting a pretty heavy gun at a very small bird.
Mr. Ellinwood: It seems to me that the people who elect a governor elect him on the theory that he has the discretion to be exercised in cases of this kind. It seems to me if the governor is simply temporarily out of the city for a week or two, or has the inability to act for a week or two, the power of pardon ought not to be conferred upon the acting governor.
Mr. Jones of Yavapai: If the governor should happen to be permanently disqualified the secretary of state would be in his office until, the governor was elected, and we would have no pardoning power during the remainder of that term.
Mr. Wood: I think Section 5 fixes the pardoning power when it says: "with such restrictions as may be provided by law." That would apply to the secretary of state also.
Mr. Chairman: You have heard the motion. Those in favor will signify by saying aye; those opposed no. The nays have it. The motion is lost. Section 7 is next.
Mr. Webb: I desire to call attention to the fact that the legislative committee in the preparation of their bill covering the legislative department has in all instances used this language: "can pass both houses by an aye and nay vote on roll call." It appeals to me that a viva voce vote is an aye and nay vote, and if it is to be on roll call, or if that is the intent, at least, of this section, it will conform to the legislative bill if we insert here after the word "vote" the words "on roll call."
Mr. Chairman: You have heard the amendment that after the word "vote" on line 23 that the words "on roll call" be inserted. All those in favor of the amendment will signify by saying aye; contrary no. It is carried. We will consider the second paragraph of section 7.
Mr. Feeney: It says in the first part of that paragraph "if he approves he shall sign it and thereupon it shall become a law." In the Legislative committee it was understood that ninety days should elapse before it would become a law. Is there any conflict there?
Mr. Webb: I do not think there is any conflict there. The legislative bill provides when it shall become a law. This does not. This says the same shall become a law in like manner as if he had signed it. If he signs it it shall become a law as provided by the legislative bill.
Mr. Parsons: In Section 7, line 19, it says that "if he approves he shall sign it and thereupon it shall become a law."
Mr. Webb: I was looking at a different section.
Mr. Parsons: I was looking at section 7 of which Mr. Feeney was speaking. That nullifies the referendum law and you have two conflicting laws in the constitution.
Mr. Short: I move to amend section 7, line 20, by striking out the word "thereupon." It is no good anyway.
Mr. Feeney: I second the motion.
Mr. Parsons: That does not help it a bit. That is simply making it a little more indefinite. You say if he signs it, it shall become a law. Thereupon it shall become a law.

What is the difference? That does not give the right of the people to have it referred to them. That does not hold it ninety days in order that the people shall file a petition and say whether it shall become a law or not. You say if the governor signs it, it shall become a law.

Mr. Weinberger: Cannot a measure become a law and not be effective for 90 days?

Mr. Parsons: No sir, it does not become a law until it takes effect. We say this, it shall become a law when it is signed.

Mr. Osborn: When you say "thereupon" it means that it shall become effective immediately, and when you say "it shall become a law" then under the provisions of any act---

Mr. Cunniff: Is there a question upon this "thereupon." I wish to offer an amendment upon this subject.

Mr. Webb: I desire to say that I am not a lawyer, but it appears to me that while it says, it shall become a law, it does not say when it shall become effective and it seems to me there need be no conflict. One says when it shall become a law, the other does not say anything about it.

Mr. Short: It will become a law under the initiative and referendum proposition, and if you strike out the word "thereupon" it would mean that it leaves it open to be governed by the provisions of the initiative and referendum.

Mr. Cunniff: I beg to point out that it may never become a law, and the amendment I wish to offer in line 20 is that after the word "law," we insert "subject to the provisions of this constitution," making it read "it shall become a law, subject to the provisions of this constitution," and on line 24 "it shall become a law subject to the provisions of this constitution," and the same on line 2 on the next page.

Mr. Webb: Is it not a fact that without that statement it can only become a law within the provision of the initiative and referendum.

Mr. Cunniff: I have not accepted the statements that have been made.

(Speech by Mr. Cunningham omitted here)

Mr. Ellinwood: I want to say there is another colleague from Cochise county that is making the same sort of disturbance. An act passed by the legislature when it is completed either is a law or it is not.

Mr. Kingan: I want to ask a question. Suppose the legislature passes a law to become effective 90 days after they adjourn. They passed that law. Is not that a law?

Mr. Ellinwood: No, not until it takes effect. Give me the definition of a law.

Mr. Kingan: Suppose the legislative power was vested solely in the legislature, the legislature alone could make law. The legislature passes a law and says it shall be effective 90 days after date. If that be not a law, what power at the end of 90 days makes it a law?

Mr. Ellinwood: A law is a rule of action prescribed by the supreme power in the state commanding what is right and prohibiting what is wrong. This says when the governor signs, it shall become a law. I think the remarks of the gentleman from Yavapai, Mr. Cunniff, are absolutely correct that there should be added to this sentence that it shall become a law as provided by this constitution. Your initiative bill, Substitute No. 4, provides not that it shall become a law within ninety days, but within ninety days after the close of the session.

Mr. Cunningham: Will the gentleman from Cochise yield to a question? I would like to ask Mr. Ellinwood, if it is not a rule of construction that a matter dealing with a specific question always takes precedence over a general statement concerning a matter.

Mr. Ellinwood: I think that is true that where the legislature is dealing with a specific subject it would take precedence but I do not understand why you have to call up questions of construction when you can put it in the English language.

Mr. Parsons: I desire to reply further to my colleague, when he says we are here just simply to make disturbance. I think he has made as much disturbance as any of us, and I want to say this; read the balance of this and you will see that this section is drawn word for word as you find it in every constitution of every state that has no provision for the initiative and referendum, and unless you do make some provision you will be in a position where you will have a conflict. Just see what the rest of that paragraph says. Not only if he approve it, it shall become a law, but if he disapproves it, he shall return it with his objections to the house in which it originated, which shall enter his objection at large upon the journal, and if after reconsideration it again passes both houses by an aye and nay vote it shall become a law notwithstanding the governor's objection. That question overrides your right of the referendum. The governor has no power to veto a bill that has been referred to the people.

Mr. Feeney: I did not know that I lit a slow fuse when I asked that question, but I want the referendum thoroughly protected.

Mr. Cunningham: I would like to ask a question. Will the gentleman cite us one constitution from which this is taken.

Mr. Parsons: I want to say it is the principle of my Nebraska constitution, which I have here, and I believe of every other constitution of the United States that has no initiative and referendum.

Mr. Cassidy: Mr. Chairman, I would like to ask what the question is before the house.

Mr. Chairman: There are two questions before the house. One is on section 7 of the substitute proposition on executive, the elimination of the word "thereupon" in line 20 on page 3, and the amendment of Mr. Cunniff to substitute in the same line the words "after it shall become a law subject to the provisions of this constitution," the insertion of those words there, and in line 24 "after it shall become a law subject to the provisions of this constitution."

Mr. Coker: I suggest that this matter be referred to the legislative committee.

Mr. Lynch: The constitution of Oklahoma provided for the initiative and referendum, and has almost identically the same clause. I take the position that the gentleman from Cochise, Mr. Cunningham, takes. I think his contention is absolutely correct in this matter.

Mr. Winsor: Did not Mr. Coker make a motion?

Mr. Coker: I merely made a suggestion.

Mr. Winsor: I want to emphasize that suggestion and point out another conflict. In our initiative and referendum measure we have provided for another kind of a law which is not covered by the provisions in section 7 of the pro-

position we are considering; that is emergency measures which provide for a two-third vote of each house before they can be passed and three-fourths of each house to be passed over the veto of the governor. I think all of these things should be referred to the legislative, or other appropriate committee, and a provision drafted that will cover the whole proposition, I make that motion.
Mr. Cunniff: I second the motion.
Mr. Weinberger: I quite agree with the gentleman from Yuma; I think the legislative committee should work this over. The executive committee had nothing before it and had to do the best they could, but I thinkthe legislative committee should take it and work it over.
Mr. Short: The entire section 7 is purely a legislative matter, which should be, and I have no doubt is, fully incorporated in the legislative proposition which was reported. I move you, therefore, as a substitute, that section 7 be stricken out. That will simplify the matter a great deal.
Mr. Webb: I do not think it follows that it is entirely covered, for the reason that the legislative committee was careful not to encroach upon the executive. While on my feet, I desire to move that by a rising vote we tender to Mr. Feeney a vote of thanks for discovering this so called fatal error.
Mr. Goldwater: I desire to call attention to lines 14 and 15 of this same section which we are now reading, which reads as follows: "Veto power of the governor shall not extend to any bill passed by the legislature and referred to the people for adoption or rejection." It seems to me that that in a great measure absolves the committee from having executive duties.
Mr. Ellinwood: I would like to call the attention of the committee to the language of the Oklahoma constitution, which contained the initiative and referendum at the time the constitution was passed. It provides as follows: "Every bill which shall have passed the senate and house of representatives, and every resolution requiring the assent of both branches of the legislature, shall, before it becomes a law, be presented to the governor, and if he approves it he shall sign it." Before it becomes a law he shall sign it.
Mr. Lynch: Will you read the line on a little further.
Mr. Cunniff: I wish to say the motion of the gentleman from Yuma is entirely satisfactory to me.
Mr. Chairman: The motion, then, is on the re-submission of the first paragraph of section 7, Mr. Winsor?
Mr. Winsor: Yes.
Mr. Chairman: Are you ready for the question? All those in favor will signify by saying aye; contrary no. The motion is carried. We will pass on to section 8. On line 4 of the printed bill it says: The governor shall return the bill within five days after it shall have been presented to him, Sundays excepted, and if he does not do so the same shall become a law in like manner as if he had signed it. How are you going to get two Sundays in that five days?
Mr. Chairman: If there is no objection to section 8, it will be passed.
Mr. Parsons: Ought there not to be a modification of the word "office?" The governor does not want to fill a vacancy in the office of justice of the peace.
Mr. Jones of Yavapai: This only covers positions that are not covered by law.
Mr. Chairman: If there is no further objection, we will take up section 9.
Mr. Coker: I move an amendment to section 9 that the word

"and" be stricken out and a comma (,) inserted between the words "powers" and "duties" and after the word "duties" the words "and qualifications" be inserted.

Mr. Feeney: I second the motion.

Mr. Chairman: Gentlemen, you have heard the motion that the word "and" be stricken out in the first line of section 9, a comma (,) inserted between the words "powers" and "duties", and after the word "duties" the words "and" qualifications" be inserted. Are you ready for the question?

Mr. Cunningham: It seemed that Section 2, provides qualification for this office, I do not see--

Mr. Osborn: I would like to ask the gentleman what his idea is in inserting the word "qualifications" there. I think that has been taken care of.

Mr. Coker: I do not think it has been fully taken care of.

Mr. Chairman: Particularly the qualifications of superintendent of public instructions.

Mr. Cunniff: I beg to say that there might be qualifications for auditor and attorney general and the other offices.

Mr. Chairman: Are you ready for the question? All those in favor will signify---

Mr. Weinberger: If you adopt that amendment you are going to have a conflict in this proposition. We already have some qualifications provided for by this constitution, and now you go ahead and state powers, duties and qualifications shall be as prescribed by law.

Mr. Coker: I will offer a further amendment then that the word "further" be inserted in lieu of the word "as" in line 23 "shall be further prescribed by law."

Mr. Cunningham: That would still make a worse conflict than ever, because it is provided in section 2 certain qualifications, and now to say over here that as further prescribed by law, I do not see that that would add anything but would continue the conflict.

Mr. Chairman: You have heard the question. Those in favor of the amendment will signify by saying aye; contrary no. The nays have it. Section 10 is next.

Mr. Lynch: I move to strike out the last sentence of section 10.

Mr. Cunniff: I second the motion.

Mr. Chairman: It has been moved and seconded that the last sentence of section 10 be stricken out. It will then read, "All state officers shall keep their office at the state capital."

Mr. Parsons: I desire to say that so far as I am concerned I believe that is one of the best provisions that has been written in this proposition, or any other than has been introduced in this convention. The states of this union almost unanimously have provisions similar to this, either in the statutes or in their constitution. If we put it in the constitution we won't have to trust to the legislature to enact it, and I think where graft has been practiced more than anywhere else has been in connection with the office of our state treasurer. That is where the money is, and I think a provision of this kind that where the state treasurer is elected he cannot succeed himself will be a good proposition, and I am opposed to the amendment.

Mr. Cobb: I should think that the state treasurer should be allowed to succeed himself for at least one term, because he is not getting a very large salary, and the only inducement if limited to one term would be the opportunity for graft for the two years he is in office.

Mr. Chairman: All those in favor of the amendment offered by Mr. Lynch will signify by saying aye; those opposed no. The nays have it. Section 11 is next.

Mr. Chairman: If there is no correction or suggestion the section will stand approved. We will take up section 12.

Mr. Ingraham: Mr. Chairman, does section 12 mean that the returns of the election for all state officers shall be canvassed and certificate of election issued by the secretary of state?

Mr. Chairman: There should be a comma (,) after "law". Pass on to section 13.

Mr. Ellinwood: Mr. Chairman, I would like to offer an amendment to section 10. I raise this question. "No person shall be eligible to succeed himself to the office of state treasurer." I find the language in other constitutions reads as follows: "No person shall be eligible to succeed himself for the office of state treasurer for the succeeding two years after the term for which he was elected," and I offer this as an amendment at the end of the section.

Mr. Cunniff: I second the motion.

Mr. Ellinwood: Otherwise you bar him out for all time.

Mr. Chairman: You have heard the question.

Mr. Lynch: I should object to that. I think by the vote of the convention a little while ago that matter was settled; further than that, I believe it would be the sense of this committee of the whole that when a man goes into the office of state treasurer that brands him once and for all. I do not see any object in the amendment as it now stands.

Mr. Short: If a man elected to the office of state treasurer and serves a term of two years, andanother man was elected and served a term of two years, and the first man was re-elected, would he succeed himself?

Mr. Ellinwood: "No term following----"

Mr. Short: Then, according to that argument, he would succeed everybody that had ever been in office.

Mr. Ellinwood: The language of the Kentucky constitution is this: "He shall be ineligible to re-election forthe succeeding four years after the expiration of the term for which he was elected."

Mr. Weinberger: The intention of the committee was to eliminate him from that office for all time.

Mr. Chairman: All those in favor of the amendment will signify by saying aye; contrary no. The ayes have it. Section 13 is next.

Mr. Osborn: In line 14 after the word "attorney general" I move that the word "thirty" be inserted instead of "twenty".

Mr. Cobb: I suggest that the logical way to take this up is the governor first; settle on his salary.

Mr. Chairman: If there is no ovjection we will carry it through in that order, the proposition for the governor's salary is open for discussion.

Mr. Cobb: I move that "five" be stricken out and "sixty-five hundred" be inserted.

Mr. Parsons: I move an amendment to the amendment, that "six thousand" be inserted.

Mr. Feeney: I second the motion.

Mr. Cobb: I did not have any second.

Mr. Chairman: It has been moved and seconded that in line 10 section 13 the words "five thousand" be stricken out and the words "six thousand" be inserted. Are you

ready for the question?
Mr. Short: I rise to a point of information; I would like to inquire of the gentleman from Graham if he would accept the office at five thousand dollars per year.
Mr. Chairman: Are you ready for the question?
Mr. Hunt: I hope that the motion will not prevail. New York only pays her governor five thousand dollars. Even the great state of Oregon has only a salary, I think, of three thousand. I think five thousand is plenty.
Mr. Osborn: It seems to me that these gentlemen want to fix it so that only a rich man can governor.
Mr. Weinberger: The office of governor has with it an honor that any one would be glad to accept, and the duties I do not consider are very heavy. It seems to me that five thousand dollars is ample, and it is more than two-thirds of the states are now paying their governors.
Mr. Jones of Yavapai: I am glad to see it raised to six thousand. We today set the pay of the supreme judges at six thousand, and the governor, while his position carries a great deal of honor, it also carried a great deal of entertainment, and I think the salary should be six thousand.
Mr. Cobb: I would like to call attention to the fact that the supreme judges are elected for six yearsand the governor for two. He will have three times the expense in making his campaigns.
Mr. Chairman: All those in favor of the amendment as offered will signify by saying aye; those opposed no. The secretary will call the roll.
Roll call showed 11 ayes and 28 nays.
Mr. Chairman: The motion is lost.
Mr. Cunniff: I would like to say just a word to this point. I think we should give considerable thought to this matter of salary of the governor. The governor of the state of Oregon was mentioned. It is a matter of fact that when they found they had fixed the salaries and submitted the constitution to the people, the people rejected it and the constitutional convention was sent back to do its work all over again. I believe that a man should not have to be a wealthy man in order to be a candidate for office.
Mr. Osborn: I would like to ask the gentleman from Yavapai if the state of Oregon does not make provision whereby the governor is furnished with residence, household servants, etc. My historical dara came from a gentleman who was a member of the Oregon constitutional convention.
Mr. Lynch: I might state that I have seen and heard one of the governors of Oregon and I want to say that he was only a fifteen hundred dollar man, too. (applause)
Mr. Parsons: Don't you think, Mr. Lynch, that you have exceeded that probably by one thousand dollars. He is about a five hundred dollar man.
Mr. Cunningham: I move that we take up line 11.
Mr. Chairman: We will tale up line 11, "secretary of state four thousand dollars per annum." Any suggestions in connection with that?
Mr. Webb: I move we pass it.
Mr. Chairman: Line 13: "state treasurer $3500."
Mr. Osborn: I move it do pass.
Mr. Goldwater: I would like to suggest that the superintentent of public instruction be raised $500. I do not think the state treasurer has such a lot to do; I know I would take the job at $3,000. I will make a motion that $500 be taken off the salary of the treasurer and added to the superintendent of public instruction.

Mr. Wood: I second that motion.

Mr. Chairman: It has been moved and seconded that the salary of the state treasurer be changed to $3,000 per annum, and the salary of the superintendent of public instruction be raised to $3,000.

Mr. Osborn: Let us have a division of the question.

Mr. Chairman: The motion will be on the salary of the state treasurer at $3,000. per annum. All those in favor will indicate by saying aye; opposed no. The ayes have it.

Mr. Ingraham: Mr. Chairman, I move that $500 be taken off the salary of the secretary of state with the understanding that the $500 shall later be added to the salary of the attorney general. I can see no reason why the secretary of state should be paid more than the auditor or treasurer.

Mr. Webb: I second the motion, except the last provision.

Mr. Jones of Yavapai: I understand the secretary has more to do than the auditor or treasurer. He is practically lieutenant governor, and takes the place of the governor when absent.

Mr. Chairman: The question is upon the changing of the salary of the secretary of state from $4,000 to $3500. Are you ready for the question? All those in favor will rise; opposed by the same sign.

Rising vote showed 12 ayes and 21 nays.

Mr.Chairman: The motion is lost.

Mr. Osborn: I would like to renew my motion changing the word "twenty" to "thirty" making the attorney general $3500. per annum.

Mr. Parsons: I second the motion.

Mr. Ellinwood: Mr. Chairman: That is exactly what I said a short time ago in favor of the provision requiring the attorney general to stay at the capital. The attorney general is one of the most important officers in the government, $3500 is little enough. You have required him to reside at the capital, and I think the salary is small at $3500.

Mr. Connelly: I believe $3,000 is enough. I believe he can live here on that. I do not know why he should not stand the climate like the rest.

Mr. Webb: While ordinarily I believe in paying good salaries, I must recollect that these payrolls must be met, and that taxes during the first years of statehood are going to be burdensome. If those who sent you could vote on this, there would be no raising; it would be lowered and not raised. For my own part I am going to vote for a reduction rather than a raise of this scale, and I doubt, with possibly one or two exceptions, if there is a gentleman learned in the law on the floor but would accept the office at the lowest salary mentioned.

Mr. Osborn: Although I am not learned in the law, I do not believe they could get out on $2500. I see no reason for paying their other state officers $3500, and the attorney general a less sum when he is a man who must be learned in the legal profession and must have a training, while with most of the offices anyone could fill them.

Mr. Orme: I am a farmer, and people of that class are not making money fast. I am opposed to raising this. The attorney general has plenty of time to practice his profession outside, and he will probably make more outside than his salary. The farmers are the ones who have to pay these taxes, and they are opposed to high-salaried officers from beginning to end.

Mr. Weinberger: This matter was discussed in the committee quite thoroughly, and it was the sense of the committee that the attorney general will retain his practice, and hence he is in a different class from the governor or secretary of state, who have more arduous duties, and their time will be taken up more than that of the attorney general.

Mr. Jones of Yavapai: I agree thoroughly with the two gentlemen who have just spoken. I believe his practice would not suffer, but it would be a good advertisement and his business would be increased by being attorney general.

Mr. Ingraham: I would not be surprised if we hear a roar from the territory of Arizona on this salary business. If there is anything which will excite the populace, it is this question of salaries, and we have provided in the supreme court and these salaries make a very large pay roll. While the state of Arizona will be small compared with some other states, I think for the number of officers our pay roll cannot be equalled in the United States. This, notwithstanding the fact that we have states in the union with many millions of people, while we have only a quarter of a million.

Mr. Osborn: But we are going to have more than that.

Mr. Ellinwood: As to the possible roar that will go up in the territory, I think the gentleman from Yuma overestimates that. The attorney general now receives $3,000 from this territory, and there is no complaint of which I have ever heard. $2500 would be all right if he were drawn from the city of Phoenix, but if he comes from Yuma, Pinal, Gila or any other county his practice is ruined and he is dependent on his salary which would be if this amendment carries only $500 more than you are paying now.

Mr. Connelly: I am in accord with Mr. Webb. We are paying too much. In the offices we have created today we have provided for over $90,000 a year for salaries, without mentioning expenses of other officers of the court. We have hardly got started. We have in the territory only 240,000 men, women and children, and when you come down to the electors, who are practically the taxpayers we have only 40,000. Can you figure how we are going to get out. It is all right for California to pay $12,000 and New York $10,000 for a governor, but they have more population in one town than we have in the whole territory.

Mr. Cunniff: I am glad to hear these words of prudence. We have gone on a rather slippery pathway. I think we have set the salaries of the courts and of these executive officers all too high.

Mr. Colter: I think we ought to reconsider our action on this, and cut down these salaries.

Mr. Chairman: The question before the committee is on the salary of the attorney general, making it $3500.

Mr. Webb: I offer an amendment to make salaries as follows; until otherwise provided by law: Governor $4,000; Secretary of State $3,000; State Auditor $3,000; State Treasurer $3,000; Attorney General $2500; Superintendent of Public Instruction $2500.

Mr. Ingraham: I second the motion.

Mr. Cunniff: I opposed this because we ought to start with the courts in this reduction.

Mr. Colter: I think if there are any salaries that ought to be high, it should be the courts, and especially the supreme court.

Mr. Connelly: In the courts provided for today the judges' salaries amount to $67,000.

Mr. Cassidy: I would like to call attention to the fact that this proposition does not fix these salaries absolutely beyond change. It simply provides that they shall be fixed at these amounts until further provided by law. I am in favor of fixing them too low rather than too high, because if we get them too low there will be no difficulty in raising them in the future, but if they are too high, we would have more trouble in lowering.

Mr. Ellinwood: Under the rules I ask for a division of the question.

Mr. Parsons: I second the motion.

Mr. Webb: I shall demand a roll call on each.

Mr. Chairman: The motion of Mr. Webb is in order, as section 13 is open to amendment and has never been passed. We will vote first on the governor's salary.

Mr. Cunniff: I would like to explain my vote. I am in favor of applying the pruning knife, but first we should begin on the judges and afterward prune other offices.

Mr. Winsor: I voted on this 15 minutes ago, and sufficient time has not elapsed for me to change my mind. I vote no.

Roll call showed 18 ayes and 19 nays.

Mr. Chairman: The motion is lost. The secretary will call the roll on the salary of the secretary of state.

Roll call showed 18 ayes and 18 nays.

Mr. Chairman: The motion is lost on a tie vote. The next is on the salary of the state auditor, reducing it from $3500 to $3,000.

Roll call showed 19 ayes and 17 nays.

Mr. Chairman: The motion is carried.

Mr. Cunniff: I move the committee arise and report progress and ask leave to sit again.

Mr. Weinberger: There is a short article on the next page that might be finished up so we might get through with this whole proposition.

Mr. Webb: I desire to call attention to the fact that my motion was divided into six parts and three have been voted on. I ask for a roll call.

Mr. Chairman: The secretary will call the roll.

Mr. Ellinwood: Is there not a motion to raise this salary of the attorney general to $3500. It was originally $2500 and Mr. Osborn moved to make it $3500.

Mr. Chairman: The gentleman from Graham moved to make it $2500.

Mr. Connelly: I move we make it $3000.

Mr. Ellinwood: I second the motion.

Mr. Webb: I maintain my motion was accepted by the chair. Four parts have been disposed of, and after the others are voted on this amendment can be made.

Mr. Chairman: Those in favor of the salary of the attorney general at $2500 will rise to their feet. The motion is carried. The next question is on line 15 that the salary of the superintendent of public instruction be fixed at $2500. Those in favor will indicate by rising. The motion is carried, and it is so ordered. Now the record is clear.

Mr. Osborn: I trust Arizona will have state officers whose ability equals their salary, and no more.

Mr. Connelly: Before we have any more officers, I would like to know if the committee on public debt, revenue and taxation know where we are going to get all this money.

Mr. Chairman: We will now consider section 1 on the next page on impeachment. It will be considered passed.

Mr. Chairman: Section 2. If there are no objections, the secretary will read section 3.

Mr. Ellinwood: If the gentlemen of the convention will have visions of the recall in mind, I think they will find that section 3 contains a very emphatic negative. I move you to strike out the words in the first line "not liable to impeachment."

Mr. Feeney: I second the motion.

Mr. Weinberger: I believe that may confuse the situation. You will notice that section 2 provides for the governor and other state officers, but it does not make any provision for county officers, and does not interfere with or encroach upon the recall, but section 3 makes provision for such other officers who are not mentioned.

Mr. Cunniff: I wish to say I do not see the point of the gentleman from Cochise; the proposition looks all right to me.

Mr. Chairman: All in favor of the amendment to strike out the words "not liable to impeachment" say aye; those opposed no. The motion is lost.

Mr. Winsor: I move the committee arise and recommend to the convention that substitute Proposition No. 33 as amended with the exception of paragraph 7 do pass, said section 7 to be recommitted to the committee on Legislative department.

Mr. Short: I second the motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order.

Mr. Jones of Maricopa: "Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition No. 33, and recommends that it be adopted as amended, with the exception of section 7, which is to be referred to the committee on Legislative department.

Mr. Cunniff: I move the adoption of the report.

Mr. Jones of Maricopa: I second the motion.

The motion prevailed.

Mr. Ingraham: I move we adjourn to the usual time tomorrow morning.

Mr. Feeney: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a.m. November 16, 1910.

JOURNAL, November 16, 1910. 9:30 a.m.

Mr. President: The convention will come to order and the secretary will omit the roll call. There is a quorum present, but there seems to be so many absent we will wait until after the prayer to call the roll. The convention will rise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: The secretary will now read the minutes.

Minutes read and approved.

Mr. President: The secretary will now call the roll.

Roll call showed quorum present.

Mr. President: Reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, November 16, 1910.

Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 85 and respectfully recommends that it be referred to the legislative committee.

H. H. Keegan, Chairman."

Mr. President: If there are no objections the report will be received and referred to the committee on legislation. (Speech by Mr. Webb omitted here and sent to him).

Mr. Cunniff: I would just like to explain, as a member of the railroad committee, that when any matter of this kind comes up we make a note of it and try to keep it before us in order that it will have consideration before the committee. I have made a paragraph note of this matter. I think that it will be covered by the committee in its regular order.

Mr. Jones: I would like to call the secretary's attention that the telegram from Mr. Olney has not yet been referred to the committee on railroads. We desire to write to the man who sent the telegram with regard to the same and it is still our intention to do so. As chairman of that committee I will say that I think that the gentleman is right in bringing this matter before the convention and it should be given consideration. I would also state that with regard to what the press has to say upon such questions, we should take into consideration the source, however, I would explain that the editor of this paper is a former railroad commissioner and would naturally feel touchy upon the matter of railroads, but it is the duty of the railroad committee to give special attention to such matters, and it is our intention to do so regardless of what the press or any former commissioner may say.

Mr. Short: Mr. President, I have been in the same position as the gentleman from Graham. I have experienced the same inconveniences as he has in shipping cattle and know every condition that he has met, but I did not think that this was the place for such matters to be referred. I knew that it was impossible for this convention to give such an order and when I made the motion that the cars be furnished I did so in a spirit of fun and did not know that the convention would take any action on the matter. I did not make any remarks that were intended for criticism or ridicule.

Mr. Webb: Mr. President: I repeat that I acquit the gentleman from Yuma, from the fact that I think he was laboring under a misapprehension of the facts. The telegram was sent and presented so that something might be done in this convention to provide protection to the business men of this territory who are deserving of such a measure to protect their interests from these outrages.

Mr. President: Gentlemen, the convention will now resolve itself into the committee of the whole, for the consideration of matters that may come up, and the gentleman from Yavapai, Mr. Wood, will take the chair.

Mr. Chairman: The committee of the whole will come to order. The first proposition for consideration before this committee is Proposition No. 80. The secretary will please read the report on the proposition.

Secretary: (reading) "Phoenix, Arizona, November 9, 1910. Mr. President: Your committee on Executive, Impeachment and removal from office begs leave to report it has examined Proposition No. 80 and respectfully recommends the indefinite postponement of said proposition.

J. Weinberger, Chairman."

Mr. Winsor: Mr. Chairman, I move that when the committee arises it recommend that Proposition No. 80 be indefinitely postponed, inasmuch as the matter contained therein is contained in another proposition, which is Substitute Proposition No. 33.

Mr. Cunningham: I second the motion.

Mr. Jones of Maricopa: Mr. Chairman, I thought that under the rules that these matters must be disposed of together.

Mr. Winsor: It is just so in this case. This is a matter which was disposed of last night.
Mr. Chairman; The chair will rule that this was the proposition that was disposed of last evening. All those in favor of the motion of the gentleman from Yuma answer aye; those opposed nay. The ayes have it and it is so ordered. The next proposition on the calendar is proposition No. 139. Will the secretary please read the report on this proposition.

Secretary: (reading) "Phoenix, Arizona, November 10, 1910.
Mr. President: Your committee on judiciary begs leave to report it has examined Proposition No. 139 and respectfully recommends that Proposition No. 139 be indefinitely postponed.
D. L. Cunningham, Chairman."

"Phoenix, Arizona, November 10, 1910.
Mr. President: We, a minority of the judiciary committee begs leave to report that we have examined Proposition No. 139 and respectfully recommend that said Proposition No. 139 do pass.
Fred L. Ingraham,
James E. Crutchfield.

Mr. Chairman: Gentlemen, you have heard the reading of the reports. What is your pleasure?
Mr. Cunningham: I move that when this committee arise it recommend that the minority report be adopted.
Mr. Short: I second the motion.
(Speech by Mr. Ingraham omitted and sent to him.)
(" " " Cunningham " " " " ")
Mr. Ingraham: Mr. Chairman, will the gentleman yield to a question? If that is the case, and there is no evil along that line, what harm will it do to put this in the constitution?
Mr. Cunningham: I have answered that already by saying I am almost convinced, if one county has so neglected the youthful offenders as to treat them as they have in Yuma county, I am almost persuaded it is a good thing to put into the constitution.
(Speech by Mr. Ellinwood omitted, sent to him.)
Mr. Jones of Yavapai: Mr. Chairman, I beg to take issue with the gentleman who has just spoken. I do not consider that this matter is a legislative matter at all. It is only a declaration of the rights of the children, (applause) and if the constitution is not a declaration of rights, then what is it? It is simply a declaration of the rights of the children, (applause).
(Speech by Mr. Franklin omitted and sent to him)
(" " " Crutchfield " " " " ")
(" " " Franklin " " " " ")
(" " " Cunniff " " " " ")
Mr. Cunningham: I rise to a point of order. The gentleman is not speaking to the question.
Mr. Chairman; I think that point of order is well taken.
Mr. Moeur: I do not think this question----
Mr. Cunniff: I ask you to rule. My argument is strictly to the question that this should not be indefinitely postponed because it is not drawn up in the form that is satisfactory to some of the gentlemen of the judiciary committee.
Mr. Chairman: The chair has ruled. If you care to appeal from it.
Mr. Cunniff; Am I in order?
Mr. Moeur: I think the argument of this question is entirely out of order.

Mr. Jones of Yavapai: There seems to be no difference of opinion as to the necessity of some provision of this kind, either in the laws or in the constitution. The only fear is that if we leave it tothe legislature it may be neglected. Without offering this at this time, I make the suggestion that this can be obviated by adopting a proposition like this: that the legislature shall at its first session enact laws to provide that no minor child or juvenile offender shall be confined in the same quarters with adult prisoners. There is no legislative question in that, and that will allow the legislature to elaborate upon it as they want to. It will cover all the objections of the legal gentlemen, and when the deck is cleared, if it is cleared, I will offer this amendment.

Mr. Cassidy: Mr. Chairman, I move that the proposition be amended by striking out all of the proposition after the word "persons" in the third line.

Mr. Crutchfield: I second the motion.

Mr. Cassidy: I think that will obviate the objection of the gentleman from Maricopa and substantially improve the proposition.

Mr. Jones of Yavapai: I do not believe it would be advisable to cut out that part of the proposition.

Mr. Chairman: Just a moment, Mr. Jones. The question is put. You have heard the amendment that all after the word "persons" in line 3, of proposition No. 139 be stricken out. Are you ready for the question?

Mr. Weinberger: I move a further amendment to strike out--

Mr. Ellinwood: I rise to a point of order. The motion before the house is to substitute the minority report for the majority. Until we have the minority report how can we amend it?

Mr. Chairman: The minority report is before the house.

Mr. Weinberger: The further amendment is by striking out the word "but" on line three, and making the word "suitable" the beginning of a sentence, and striking out in line 4, the words "in all jails and prisons," so that the sentence shall read "suitable quarters shall be prepared for the confinement of minor offenders," together with the balance of the section.

Mr. Chairman: There is no second.

Mr. Hunt: I second the motion.

Mr. Chairman: There has been an amendment offered to the amendment to the first amendment to strike out all after the words "adult prisoners," and the amendment to the amendment is to retain that part stricken out by the amendment with the exception of the word "but" on line 3, and in line 4, with the exception of "in our jails and prisons," so that it may read "suitable quarters shall be prepared for the confinement of minor offenders." Are you ready for the question? All those in favor will signify by saying aye; contrary no. The ayes have it, and it is so ordered. Are you ready for the question on the first amendment? That substituted the amendment for the first one. Now the question will come up on the question as amended. All that are in favor will signify by saying aye, contrary no. The ayes have it and it is so ordered. Now the question will come up will the minority report be substituted for the majority report, and that when this committee report it recommend the adoption of proposition No. 139 as amended. All that are in favor will answer aye as their names are called, and all opposed will answer no.

(Speech by Mr. Ingraham omitted, sent to him)

Mr. Short: I desire to say that with another gentleman of the convention I visited the county jail in this place the other day to ascertain if it classed minor offenders with adult prisoners in this county, and we found no minor offenders were confined at this time. In talking with the jailor he assured us when they had such offenders, if possible, they were confined in the woman's cell. In case of that being occupied, they were put in the corridor. That gave them adcess to all of the adult prisoners, which certainly was not to the benefit of the boys. I think that the matter of looking after our boys and girls in this state, is fully as important and should receive at least as much consideration as ourselves.

(Speech by Mr. Cunningham omitted, sent to him).

Mr. Chairman: The question comes up on when this committee arises that it recommend to the convention that the minority report on proposition No. 139 as amended be recommended for adoption. As amended it will read as follows: "It shall be unlawful to confine any minor child under the age of 18, accused or convicted of a crime in the same section of any jail or prison in which are confined adult persons. Suitable quarters shall be prepared for the confinement of minor offenders." As many as are in favor will, when their names are called, answer aye, and those opposed no.

Roll call showed 24 ayes and 12 nays.

Mr. Chairman: The ayes have it. It is so ordered. (applause) The next proposition is No. 144. Mr. Clerk please read it. What is your further pleasure gentlemen?

Mr. Winsor: I move that when the committee do arise it recommend that Proposition No. 144 be indefinitely postponed.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Winsor: I am going to make a motion that I want to explain before I make it. There are a number of committees, and the committee on legislative department in particular, having very important work to do. There seems to be no opportunity in the morning to do that because our mornings are fully occupied with the business of the convention. I am going to move that the committee do now arise, and the purpose is to give those committees an opportunity to have meetings. I move the committee do now arise and report progress.

Mr. Wills: I second the motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order.

Mr. Wood: Mr. President, your committee of the whole having had under consideration Proposition No. 80, 139 and No. 144 begs leave to report progress.

Mr. President: Take them up one at a time. If there are no objections the report of the committee of the whole will be accepted and adopted. Proposition No. 80. What is your recommendation?

Mr. Wood: We recommend that it be indefinitely postponed.

Mr. President: Those in favor will answer aye; those opposed no. The ayes have it, and it is so ordered.

Mr. Wood: That the minority report on Proposition 139, as amended, be substituted for the majority report, and we recommend that it be passed.

Mr. President: Gentlemen of the convention, those in favor of adopting the minority report, as amended, and recommending that it be passed, will answer aye; contrary no. The ayes have it. Shall it be engrossed and have athird reading. Those in favor will answer aye; opposed no.

The ayes have it, and it is so ordered.

Mr. Wood: That proposition No. 144 be indefinitely postponed.

Mr. President: Those in favor of the indefinite postponement of proposition No.144 will answer aye, those opposed no. The ayes have it; and it is so ordered.

Mr. Goldwater: If there is no objection we will refer back to reports of standing committees. The committees on ordinance has a report to make.

Mr. President: If there is no objection, we will refer back to reports of standing committees. The committee on ordinances has a report to make. If there is no objection the report will be received, and will come up in committee of the whole tomorrow.

Mr. Winsor: I move the convention stand at recess until 2 p.m.

Mr. Cunniff: I second the motion.

The motion prevailed.

Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, November 16, 1910.

Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 107 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

J. J. Keegan, Chairman."

Mr. President: If there are no objections the first named bill will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) "Phoenix, Arizona, November 16, 1910.

Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 106 and respectfully recommends that the proposition herewith submitted be substituted for Proposition No. 106, and that Substitute Proposition be adopted.

J. J. Keegan, Chairman."

Mr. President: If there are no objections this bill will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) "Phoenix, Arizona, November 16, 1910.

Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No.11 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

J. J. Keegan, Chairman."

Secretary: (reading) "Phoenix, Arizona, November 16, 1910.

Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 56, and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

J. J. Keegan, Chairman."

Mr. Keegan: Mr. President, I move that all these be laid over to come before the committee of the whole when the printed proposition is returned. The propositions are as

follows: Nos. 10, 11, 56, 59, 65, 83, 106, 122, 126 and 147.
Mr. Osborn: I second that motion.
The motion prevailed.
Mr. President: Gentlemen, we have several bills to come up before the committee of the whole, if there are no objections the convention will resolve itself into the committee of the whole and the gentleman from Cochise county, Mr. Bradner, will take the chair.
Mr. Chairman: The committee of the whole will come to order. We have under consideration Proposition No. 44. The secretary will please read the report of the committee on education.
Secretary: (reading) "Mr. President: Your committee on education begs leave to report it has examined Proposition No. 44 and respectfully recommends that it do not pass."
Mr. Orme: Mr. Chairman, I would like to ask a question. Has the chairman of the committee made any provision in any other bill to cover this matter?
Mr. Moeur: There are other provisions of this nature.
Mr. Crutchfield: Mr. Chairman, I move further consideration of the bill be deferred until we have further reports on the other bills.
Mr. Franklin: I second that motion.
The motion prevailed.
Mr. Chairman: The next proposition for consideration is Nos. 75, 73 and 41.
Secretary: Propositions Nos. 75, 73 and 41 are here without any reports or recommendations. I think that the reports went to the committee on printing and clerks. The recommendations were that the three propositions be indefinitely postponed and the substitute proposition be adopted therefore, and that they be considered altogether when the other proposition is returned.
Mr. Short: Mr. Chairman, I move you that when the committee arise that it recommend the report of the committee to be adopted.
Mr. Osborn: I second the motion.
Mr. Crutchfield: The substitute Proposition has incorporated within it the same as these propositions on educational questions.
Mr. Chairman: It has been moved and seconded that these propositions be postponed to come up before the committee of the whole with the rest of the propositions when they are reported.
Mr. Weinberger: What has Proposition No. 75 to do with these?
Mr. Winsor: I want to call attention to the fact that this committee, in reporting, has made an error and the convention has erred in permitting it. When a report on two, three or four or any number of propositions is made, a report should be submitted with each one, and no one has any right to separate the report from the proposition. If the propositions now in question are separated from the report upon them, it is clearly a mistake.
Mr. Crutchfield: I would offer a substitute motion, that 75, 73 and 41 be postponed until the report from the committee on education.
Mr. Chairman: Do you withdraw your motion?
Mr. Franklin: I second that motion.
Mr. Chairman: It has been moved and seconded that Proposition No. 75, 73 and 41 be deferred until the report of the committee on education is received.
Mr. Colter: Mr. Chairman, I think that Proposition 75 should have been referred to the committee on schedule,

mode of amending and miscellaneous, and we are ready and will be glad to take it up at any time.

Mr. Cunningham: I move that committee recommend that Proposition No. 75 be indefinitely postponed.

Mr. Ellinwood: I second the motion.

Mr. Hunt: Mr. Chairman, I do not see why the gentlemen are so anxious to postpone this bill. It seems to me that it is a very good measure.

Mr. Jones of Yavapai: We consider it unnecessary and believe that the police or municipal authorities should be allowed to provide for the sanitary conditions and regulations and that it is not a political question that will ever be questioned by either party, therefore we feel that it is entirely unnecessary in the constitution.

Mr. Webb: Doubtless every member of this convention realizes as I do the necessity of the best possible sanitary condition and that every city and town should be provided with these conditions, but I must take issue with the gentleman from Yavapai county upon this measure for I think that it is useless to try to get it into the constitution.

Mr. Colter: I agree with the gentleman in wishing to indefinitely postpone this proposition for this reason: It is not quite what I intended it to be. I am in favor of a clause in the constitution that will provide for sanitary regulations but I would prefer to prepare another proposition or submit another report upon this question in the place of proposition No.75.

Mr. Chairman: All those in favor of indefinitely postponing Proposition No. 75 say aye; those opposed nay. The ayes have it and it is so ordered.

Mr. Crutchfield: I renew my motion that 73 and 41 be postponed until we have further reports from the committee on education.

Mr. Webb: I second that motion.

The motion prevailed.

Mr. Chairman: This is all we have on the calendar.

Mr. Hunt: Mr. Chairman, I move that the committee of the whole now arise.

Mr. Bolan: I second that motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order. The gentleman from Cochise, Mr. Bradner, will report the progress of the committee of the whole.

Mr. Bradner: "Mr. President: Your committee of the whole begs leave to report Propositions 44, 73, 41 and 75 have been examined, and respectfully recommends that Proposition No. 75 be indefinitely postponed and that consideration of Propositions No. 44, 73 and 41 be deferred until the report of the committee on education and public institutions is before committee of the whole."

Mr. President: If there are no objections the report of the committee of the whole will be received.

Mr. Bradner: Mr. President, I move that the recommendation of the report on Propositions No. 75, that it be indefinitely postponed, be adopted, and that the recommendations on Propositions No. 73, 44 and 41 be deferred until report of the committee on education and public institutions be adopted.

Mr. Sims of Cochise: I second that motion.

Mr. President: It has been moved and seconded that the recommendations of the committee of the whole on Proposition No. 75 that it be indefinitely postponed and that

propositions No. 73, 44 and 41 to be postponed until there is a report of the committee on education before the committee of the whole. Those in favor of adopting the report will answer aye; those opposed nay. The ayes have it, and it is so ordered.
Mr. President: If there are no objections we will refer back to the reports of standing committees.
Secretary: (reading) "Phoenix, Arizona, November 16, 1910.
Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition No. 27, and respectfully recommends that said Proposition No. 27, relating to Suffrage be not adopted.
Thomas N. Wills, Chairman."
We concur: J.J. Keegan, E. A. Tovrea.
We a minority of "Phoenix, Arizona, November 16, 1910.
Mr. President: /Your committee on matters for separate submission beg leave to report we have examined Proposition No. 27 and respectfully recommend that said Proposition be adopted.
W. T. Webb; Alfred Franklin."
Mr. President: The majority and minority reports on proposition No. 27 will come up before the committee of the whole tomorrow.
Secretary: (reading) "Phoenix, Arizona, November 16, 1910.
Mr. President: Your committee on matters for separate submission begs leave to report that we have examined Proposition No. 26 and respectfully recommends that said Proposition No. 26, relating to State Wide Prohibition be not adopted.
Thomas N. Wills, Chairman."
We concur: J. J. Keegan, E. A. Tovrea.
"Phoenix, Arizona, November 16, 1910.
Mr. President: We a minority of your committee on matters for separate submission beg leave to report we have examined Proposition No. 26 and respectfully recommend that Proposition No. 26, relative to state wide prohibition be adopted.
W. T. Webb, Alfred Franklin."
Mr. President: If there are no objections, the majority and minority reports will be received and will come tomorrow before the committee of the whole, in their regular order on the calendar.
Mr. Cunningham: I now move that the convention adjourn until tomorrow morning at 9:30 o'clock.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention stood adjourned to 9:30 a.m. November 17, 1910.

JOURNAL, November 17, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for prayer.
Prayer by the chaplain.
Mr. President: The secretary will now read the minutes.
Minutes read and approved.
Mr. President: Gentlemen of the convention, the convention will now resolve itself into a committee of the whole and the chair desires to honor another of its native sons, by appointing Mr. Colter of Apache county to act as chairman of the committee of the whole.
Mr. Chairman: The committee of the whole will come to

order. The secretary will read the order of the work before the committee of the whole.
Secretary: The propositions for consideration are Nos. 26,27, 112, 3, 121, 124, 119 and 19, and a minority report on Nos. 26 and 27.
Mr. Chairman: Gentlemen, what is your pleasure?
Mr. Crutchfield: Mr. Chairman, I move that when the committee arise it recommend that the minority report on Proposition No. 26 do pass.
Mr. Keegan: Mr. Chairman, I move to amend that when the committee do arise it recommend that the majority report be adopted.
Mr. Chairman: Will the secretary please read the report on Proposition No.26?
Secretary: (reading)
"Mr. President: Your committee on matters for separate submission begs leave to report that it has examined Proposition 26 and respectfully recommends that said proposition No. 26, relating to state wide prohibition be not adopted.
Thomas N. Wills, Chairman.
We concur: J.J. Keegan, E. A. Tovrea."

"Mr. President: We a minority of your committee on matters for separate submission begs leave to report we have examined Proposition No. 26 and respectfully recommend that Proposition No. 26, relative to state wide prohibition be adopted.
W. T. Webb,
Alfred Franklin."

Mr. Chairman: Now, gentlemen, what is your pleasure? The question before the house is on Proposition No. 26 relative to state wide prohibition.
(Speech by Mr. Webb omitted and sent to him).
(Speech by Mr. Franklin omitted and sent to him)
(Speech by Mr. Baker omitted and sent to him)
(Speech by Mr. Cunningham omitted and sent to him)
Mr. Jones of Maricopa: Mr. Chairman, if the remarks and expressions of my colleagues Mr. Franklin and Mr. Webb of Graham County also are true, then the gentleman from Cochise and his arguments are very illogical. If the vote is lost the question is settled and if the vote for prohibition is not defeated then it is settled and should be, but the arguments of the gentleman from Cochise are illogical and full of blow holes. (laughter and much applause.)
Mr. Cunningham: If my arguments are full of blow holes I should say that the arguments of the gentleman from Graham and from Maricopa were nothing but bubbles, for I based my arguments upon theirs.
Mr. Webb: I did not intend to convey the idea that submitting the question to the people would settle the matter forever in the light you have taken it, for I did not presume to say just which way the people would vote. They may vote for it or they may defeat it and whichever way the people vote so should the question be determined. If the majority of the people vote against the measure it will be lost and if they vote for it, it will be carried and this is what should be done. It should be determined by the people and not by the members of this convention.
(Speech by Mr. Crutchfield omitted and sent to him)
(Speech by Mr. Parsons omitted and sent to him)
Mr. Chairman: The secretary will call the roll and those who vote aye will vote against prohibition as a matter for separate submission, and those who vote nay will vote for

prohibition to be submitted to the people.

Mr. Cunniff: Mr. Chairman: I should like to be sure about this vote. What is the question?

Mr. Chairman: Mr. Crutchfield moved that when the committee arise it recommend the adoption of the minority report, and Mr. Keegan moved to amend the motion that when the committee arise that it recommend the adoption of the majority report. The question is on the amendment of Mr. Keegan, and those who vote aye will vote against prohibition as a question for separate submission and those who vote nay will vote for prohibition as a question for separate submission.

Mr. Simms of Graham: I would like to explain my position on this question. Mr. Wills left town last night, and we paired on this question; Mr. Wills for this proposition and I against.

Mr. Hunt will explain my position.

Mr. Hunt: Mr. Simms and Mr. Wills have paired on this: Mr. Wills in favor of and Mr. Simms against the proposition, so it should be in the record that their sentiments are that way.

Roll call showed 33 ayes and 15 nays.

Mr. Chairman: The motion is carried. Gentlemen of the convention, the question before the committee is the motion of Mr. Crutchfield, as amended by the gentleman from Gila. Are you ready for the question? All those in favor of this question will make it known by saying aye; contrary no. The ayes have it. The next proposition before the committee is Proposition No. 27. The secretary will read the report:

Secretary: (reading) "Mr. President: Your committee on matters for separate submission, begs leave to report it has examined Proposition No. 27 and respectfully recommends that said Proposition No. 27, relating to suffrage be not adopted.

Wills, Keegan, Tovrea."

"Mr. President: We a minority of your committee on matters for separate submission, beg leave to report we have examined Proposition No. 27, and respectfully recommend that said proposition No. 27, relating to suffrage be adopted.

Webb. Franklin."

Mr. Tovrea: I make a motion that the majority report be adopted.

Mr. Cunningham: I second the motion.

Mr. Webb: I desire to amend the motion of the gentleman from Cochise and move that the minority report of the committee be adopted.

Mr. Franklin: I second the motion.

Mr. Chairman: The question before the house is on the majority report as amended.

Mr. Goldwater: I would suggest to save time that we vote on the first proposition.

Mr. Webb: The same proceeding is being followed this time as on the question last passed, and the question now is on the original motion made by the gentleman from Cochise that the majority report be adopted, and the amendment offered by myself, and entertained by the chair, that the minority report be adopted,

(Speech by Mr. Webb omitted and sent to him)

Mr. Franklin: I was told a long time ago that repentance never follows an act well done, and while our republican friends have joined with the majority of this convention in refusing to yield to the popular will, I am not repentant, and am still in favor of the people of Arizona controlling the affairs of Arizona, and I therefore, hope this minority report will prevail.

(Speech by Mr. Cooper omitted and sent to him)

Mr. Webb: I simply desire to say that I at least, and none of us probably are responsible for the information given to the gentleman from Pima county.

Mr. Cooper: The information came to ~~us~~ not in Pima county, but in this convention.

Mr. Webb: The question I desire to ask is whether this information has been verified or proven incorrect from the attitude of the majority toward the minority during the session of this convention.

Mr. Cooper: I will say to that, we have not taken the opportunity to find out.

Mr. Cunniff: I shall not take more than a minute and a half. (applause) The minority in good faith made a statement early in this convention that they would work harmoniously without regard to their political party, and the majority I believe accepted their assurance in the same good faith. The majority have accepted on the floor of this convention and in committees the suggestions made by the minority members. Both majority and minority are doing the same kind of work in making this constitution, and I wish to say that I am proud of the minority and proud of the majority, and proud of the civilization of Arizona that this should be so.

Mr. Chairman: The question before the committee is whether we shall adopt the minority report as amended. All those in favor will say aye; opposed no. Call the roll.

Mr. Webb: You will pardon me: Those who vote aye will vote for the separate submission of woman suffrage. Those who vote no will vote against it.

Roll call showed 19 ayes and 30 nays.

Mr. Chairman: The motion is lost. The question now comes up on the first motion; the adoption of the majority report. All those in favor of the majority report will make it known by saying aye; contrary no. The ayes have it. The next proposition before the committee is Proposition No. 112.

Mr. Parsons: As Propositions Nos. 112, 3, 121, 119 and 19 all refer to the same subject matter; that of ordinance, and as our substitute proposition is submitted by the committee on ordinance for all six of these propositions, I think we ought to take them up together.

Mr. Ellinwood: I move the committee do now arise and report progress.

Mr. Franklin: I second the motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Apache, Mr. Colter.

Mr. Colter: "Mr. President: Your committee of the whole begs leave to report it has examined Proposition Nos. 26 and 27, and respectfully recommends that Proposition No. 26 do not pass, and that Proposition No. 27 do not pass, and your committee begs leave to sit again."

Mr. Cunniff: I move that the report of the committee of the whole and the recommendation of the committee be adopted.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. President: Gentlemen, what is your pleasure with Proposition No. 26?

Mr. Cunningham: I move that Proposition No. 26 be indefinitely postponed.

Mr. Cunniff: I second the motion.

Mr. President: The secretary will call the roll.
Roll call showed 33 ayes and 15 nays.
Mr. Lynch: Mr. President, you look a little surprised that I chang my vote. I do so because the committee of the whole has determined the matter, and as a democrat I am willing to abide by the majority vote of the convention.
Mr. President: Proposition No. 26 has been indefinitely postponed.
Mr. Cunningham: I move that the convention indefinitely postpone Proposition No. 27.
Mr. Lovin: I second the motion.
The motion prevailed.
Mr. Sims: The committee on counties and municipalities desires to make a report.
Mr. President: If there is no objection, we will revert back to the head of reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, Nov. 17, 1910.
Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition No. 52, and respectfully recommends that the proposition herewith submitted be substituted for said proposition No. 52, and that said substitute proposition No. 52 be adopted, and the original proposition No. 52 be indefinitely postponed.
R. B. Sims, Chairman.
Feeney, Moeur, Colter, Baker."

"Phoenix, Arizona, Nov. 17, 1910.
Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition No. 40, and respectfully recommends that the proposition herewith submitted by the committee on counties and municipalities known as committee Substitute No. 40 be substituted for said Proposition No. 40, and that said original be postponed.
R. B. Sims, Chairman.
Feeney, Baker, Colter, Moeur."

Mr. Cunningham: I would like to move that the substitute proposition only be referred to the printing committee and 500 copies ordered printed.
Mr. President: It is so ordered.
Mr. Short: I would like to ask if this substitute No. 52 differs very much from the original?
Mr. Sims: Not at all.
Mr. Short: I would like to inquire of the gentleman from Cochise why the committee then did not recommend the original proposition?
Mr. Sims: The original proposition No. 52 does not cover all that the substitute does.
Mr. Roberts: I request that it be printed.
Mr. President: The gentleman from Cochise, Mr. Roberts, makes the request that it be printed, and if there is no objection it will be referred to the printing committee and 500 copies ordered printed. Gentlemen, what is your pleasure? This finishes the order of business.
Mr. Lovin: I move we take a recess until 2 o'clock.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order, a quorum is present. Petitions, memorials and remonstrances.

Secretary: (reading) "Tucson, Arizona, Nov. 16, 1910.
To the Honorable Constitutional Convention
of the Territory of Arizona.

We, the undersigned, residents and taxpayers in Pima county, Arizona Territory, do hereby respectfully petition your honorable body to provide, in the constitution for the new state of Arizona, that a joint commission form of government may be adopted for both the counties and the cities thereof, so that one commission can govern both the counties and the cities within such counties; and that nothing be incorporated in the constitution which will prohibit the passage of laws by the legislature, or by the people, providing that counties and cities may be governed by the same commissioners; or may be consolidated so as to have one government for both.

Respectfully yours,
V. F. Griffith and 250 others."

Mr. President: I will ask the gentleman from Pima, Mr. Cooper, what committee he wants this referred to.
Mr. Cooper: The committee on counties and municipalities.
Mr. President: It will be so referred. Committee of the whole.
Mr. Webb: Mr. President: Before proceeding further, I desire to say that while I regret to resort to so severe a measure, there are some members absent whose presence I very much desire this afternoon. I therefore am forced to demand a call of the house at this time.
Mr. President: Mr. Sergeant at Arms, you will proceed to bring Mr. Baker, Mr. Cassidy, Mr. Lynch, Mr. Short, Mr. Tuthill, Mr. Tovrea, into the convention hall.
Mr. Webb: In order to secure the proper number of seconds to my demand for a call of the house I made the promise that I would immediately after the departure of the sergeant, make a motion to dispense with further proceedings. Now if the President will entertain the motion, I will again move (and this time in good faith and I shall vote for my motion) that further proceedings under the call of the house be dispensed with.
Mr. Cobb: I second the motion.
The motion prevailed.
Mr. President: If there is no objection, we will revert to reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, Nov. 17,1910.
Mr. President: Your committee on labor begs leave to report it has examined Proposition No. 48 and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Feeney, Bradner, Morgan."

"Phoenix, Arizona, Nov. 17, 1910.
Mr. President: Your committee on labor begs leave to report it has examined proposition No. 135, and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Feeney, Morgan, Bradner."

"Phoenix, Arizona, Nov. 17, 1910.
Mr. President: Your committee on labor begs leave to report that it has examined Proposition No. 137 and respect-

fully recommends that it do pass, as amended.
John Bolan, Chairman.
Langdon, Feeney, Morgan, Bradner."

"Phoenix, Arizonam Nov. 17, 1910.
Mr. President: Your committee on labor begs leave to report it has examined Proposition No. 76, and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Feeney, Bradner, Morgan."

"Phoenix, Arizona, Nov. 17, 1910.
Mr. President: Your committee on labor begs leave to report it has examined Proposition No. 141 and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Feeney, Morgan, Bradner."

"Phoenix, Arizona, November 17, 1910.
Mr. President: Your committee on labor begs leave to report that it has examined Proposition No. 9, and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Bradner, Feeney, Morgan."

"Phoenix, Arizona, November 17, 1910.
Mr. President: Your committee on labor begs leave to report it has examined Proposition No. 72, and respectfully recommends that it do pass.
John Bolan, Chairman.
Langdon, Bradner, Feeney, Morgan."

Mr. President: If there is no objection the report will be received, and come up in the committee of the whole tomorrow. We have for consideration, gentlemen of the convention, Propositions Nos. 112, 3, 121, 124, 119 and 19. If there is no objection the convention will now resolve itself into a committee of the whole, with another native son, the gentleman from Maricopa, Mr. Standage, in the chair.

Mr. Chairman: The committee of the whole will come to order. The first on the calendar for consideration is proposition No. 112. As these propositions all border on the same proposition, possibly it would expedite matters if we consider them as a whole. No. 119 seems to be the one submitted for all of these, and possibly it would be better to have the report on No. 119 read first.

Secretary: (reading) "Phoenix, Arizona, Nov. 16, 1910.
Mr. President: Your committee on ordinance begs leave to report it has examined Propositions Nos. 112, 3, 121, 124, 119 and 19, and respectfully recommend the indefinite postponement of Nos. 112, 3, 121, 124, 19, as the substance of the same is incorporated in No. 119.

Your committee also returns Proposition No. 119 and has attached thereto certain amendments, and recommends that the amendments be adopted, and as so amended it do pass.
Morris Goldwater, Chairman.
Hutchinson, Crutchfield."

Mr. Hunt: I move the committee of the whole when it arise, recommend that the report of the committee on ordinance be adopted, and recommend that proposition No. 119 do pass as amended.

Mr. Roberts: I second the motion.

Mr. Franklin: I notice in this ordinance, which has been adopted by the committee, that in a great many instances they use the term "legislature".
Mr. Winsor: I rise to a point of order. If the matter is going to be discussed, it should be considered section by section.
Mr. Hunt: I withdraw my motion.
Mr. Roberts: I withdraw my second.
Mr. Chairman: It has been moved and seconded that we consider this section by section. Are there any objections? We will take up the first section.
Mr. Crutchfield: While I signed the committee's report, I see no reason for adding the words "or lack of the same" which words are not in the enabling act. I can see no reason why these words should be added, and I move that they be stricken out.
Mr. Simms: I second the motion.
Mr. Goldwater: I do not desire to make any talk about this matter at all. I think the gentleman's motion to strike out these words is sufficient reason for keeping them in. It is very probable that a great many people in the United States have no mode of worship. If you ask what church they belong to, they will answer none, and if you say no person shall be deprived of property on account of mode of worship, why not say the same thing if he has no mode of worship whatsoever. The mere fact that the gentleman wishes it out, convinces me that it is highly necessary it should be in.
Mr. Crutchfield: I will just say in answer to my honorable colleague on this committee that I said over and over again in the committee I had no objection to it, and I can see no reason for it. I cannot conceive of circumstances where a man would be molested because of lack of religious worship. Under a republican form of government, there can never be any means brought to bear on a man to prevent his exercising his right to religious freedom.
Mr. Chairman: All in favor of this motion will make it known by the usual sign; opposed no.
Mr. Baker: I think the ground of the gentleman from Maricopa well taken here. Congress by virtue of this enabling act provided certain ordinances. Now Congress has not seen fit in this enabling act to add "or for lack of same." Why go beyond what they want? We ought to limit it towhat Congress has limited it.
Roll call showed 14 ayes and 32 nays.
Mr. Chairman: The motion is lost. Are there any other amendments to this section? If not, we will consider it passed. Proceed to section 3.
Mr. Parsons: I move that the section be amended by adding the word "intoxicating" before the word "liquors" in line 2.
Mr. Goldwater: I would state that the word "intoxicating" does not appear in the enabling act.
Mr. Simms: I second the motion of Mr. Parsons.
Mr. Chairman: All those in favor of this will make it known by saying aye; opposed no. The motion is lost. Are there any other amendments to section 3? If not, we will consider the section passed. What is your pleasure with section 4? Do I hear any amendments. If not, this section will stand approved as read, and we will pass to section 5. Any amendments or corrections?
Mr. Parsons: Mr. Chairman, it seems to me while this may have the same meaning, but it is quite different in the first two or three lines from which it is in the enabling

act. There is a possibility of some difference in meaning, and I think the language of the enabling act is better, I would like to have someone explain why the change is made.

Mr. Goldwater: As I look at it the language of the enabling act reads in the present tense "The people who are now residing" shall not be taxed any higher than those living within the territory or state, and the language used by the committee is to the effect that if a man who is now living here moves away he has the same right as the non-resident.

Mr. Franklin: In order to conform to this enabling act, if it means the same as the language of the committee report, let us have it read as in the enabling act. I therefore move the words "who are or may become non-residents of " on line 14 be stricken out, and in lieu the words "residing without" be inserted.

Mr. Winsor: I second the motion.

Rising vote showed 26 in favor and 10 against.

Mr. Chairman: The motion is carried. Those words will be inserted. Any further amendments? If not, this section will be passed. We will now consider section 6. You have heard the sixth section, if there are no amendments we will consider it passed.

Mr. Ingraham: In line 9 on page 3, it is provided that nothing in this enabling act nor this ordinance shall be construed as legalizing or validating, etc. It does not seem to me that this ordinance can in any way construe the enabling act. It is proper to say "nothing in this ordinance" but why say the enabling act shall not be construed: We cannot control that. I move the words "in said enabling act nor" be stricken out.

Mr. Franklin: I think it is the evident purpose of this enabling act to prevent all laws being passed which will conflict with the provisions of this ordinance. I notice the enabling act used the word "legislature." Now under the initiative and referendum the people may pass a law. I therefore move that after the words "legislature" the words "or the people" be inserted on line 14, page 3.

Mr. Cunningham: I would like to ask the gentleman if the first sentence does not correct that defect. It is to be irrevocable by the people.

Mr. Jones of Maricopa: I second the motion of Mr. Franklin.

Mr. Parsons: I second Mr. Ingraham's motion.

Mr. Chairman: You have heard the amendment of the gentleman from Yuma, Mr. Ingraham. All in favor of that amendment signify by the usual sign; opposed no. The ayes have it, and the motion is carried. All in favor of the amendment of Mr. Franklin answer aye; opposed no. The motion is carried. Are there any other amendments or corrections? If not, we will proceed with the seventh section.

Mr. Weinberger: The enabling act provides that provision shall be made for the establishment and maintenance of a system of public schools, and there is a question in my mind whether we have complied with this provision. We have stated here that the legislature shall provide, yet it seems to me it is desired by the enabling act that this constitution shall provide for this rather than direct the legislature.

Mr. Cunniff: Mr. Chairman, I move as an amendment that on the last line the word "always" be inserted between the words "shall" and "the" on the 19th line.

Mr. Wood: I second the motion.

The motion prevailed.

Mr. Bolan: I move in the seventh paragraph between the words "legislature" and "shall" on line 16 be inserted the words "or the people."

Mr. Chairman: If there is no objection, the words will be inserted.

Mr. Cunniff: I object to that. It is a serious thing for the people of Arizona to command the people of Arizona to do so and so. Here the people are commanding the legislature.

Mr. Parsons: I think the position of the gentleman from Yavapai is eminently correct. We want in this constitution to make it mandatory on the legislature, and not the people.

Mr. Franklin: With the consent of Mr. Bolan, I will amend that motion to read as follows: On page 7, line 16, "that provision shall be made by law" strike out the words "The legislature shall suitably."

Mr. Bolan: I accept that amendment.

Mr. Jones of Yavapai: I rise for information. Will not the educational committee prepare a system of public schools whereby this will be in the constitution. Therefore it will not be necessary to provide something already in the constitution.

Mr. Parsons: I would like to point out that the enabling act says we must do it; congress would otherwise have good grounds to reject our constitution.

Mr. Lynch: It seems to me "legislature" would be a generic term covering all law-making bodies, as a matter of organic law.

Mr. Cunniff: I agree with the gentleman from Graham. All that is necessary is to say "provision shall be made," and the ground is covered.

Mr. Franklin: As I understand the motion of Mr. Bolan as amended by myself, this constitution of Arizona is a law as well as any act passed by the legislature or the people. The law in this constitution is the supreme law; while the law passed by the people is a subordinate law. They are both law. Now in order to comply strictly, it will read, if you adopt Mr. Bolan's amendment "provision shall be made by law."

Mr. Chairman: Those in favor of the motion will make it known by saying aye; opposed no. The motion is carried. We will now proceed to the eighth paragraph.

Mr. Baker: I would like to inquire of the committee why the words "county and municipal officers" are there in addition to the provisions of the enabling act? It only says "state officers and officers of the legislature."

Mr. Ingraham: I now make the motion I made a short time ago, that in the 8th paragraph it shall be made to read "The state shall not have" instead of the "legislature."

Mr. Chairman: Are there any objections. If not, the amendment will be accepted.

Mr. Cunningham: I move to strike out the words "county and municipal" in the first line of this paragraph.

Mr. Franklin: I second the motion.

Mr. Parsons: While the statement made by the gentleman from Maricopa, Mr. Baker, that the enabling act does not equire us to go further than state officers is true, I o not think there is anything wrong in putting in here the municipal and county officers.

Mr. Cunningham: This ordinance is too irrevocable without the consent of congress and the people of Arizona. It may ecome necessary to make some changes and congress would ot be apt to do so. I think we had better leave it alone.

Mr. Parsons: If there was any possibility of wanting any change, that might be true, but I do not believe that there will ever come a time when we will want this changed.

Mr. Baker: Bear in mind, now Mr. Chairman, what we are doing now. We are not enacting any law now; we are simply obeying the dictates of the compact and Congress has laid down the exact words as to what that compact shall be, and we cannot go beyond or fall short of this. We should simply copy the exact terms. This is a very important matter; this is a very particular matter. I think we ought to adhere strictly to the enabling act in this ordinance.

Mr. Cunniff: I agree with the gentleman from Maricopa that we ought not to fall short of the enabling act, but I do not agree as to not going beyond it.

Mr. Chairman: Those in favor of the amendment will stand; opposed likewise.

Rising vote showed 25 in favor and 17 against.

Mr. Chairman: The motion is carried. Are there any other amendments? If not we will consider it as passed. We will now consider section 9. What shall we do with it? If there are no objections it stands passed.

Mr. Ingraham: I move that the phrase "for that purpose" be inserted in line 3 after the word "legislature."

Mr. Lynch: I second the motion.

Mr. Ingraham: I think we should be careful to follow as closely as possible the wording of the enabling act.

Mr. Parsons: Will the gentleman yield to a question? If we put in the word "such" before "election" will not that serve the purpose?

Mr. Ingraham: I don't think the enabling act says that. It is evidently a mistake, but the motion I made was that after the word "legislature" in line 3 the phrase "for that purpose" be inserted.

Mr. Chairman: It has been moved and seconded that the words "for that purpose" be inserted after the word "legislature." Those in favor will make it known by saying aye; those opposed no. The motion is carried.

Mr. Cunniff: I move that on line 4 we insert between the words "no" and "election" the word "such". I know that this is not in the enabling act but it is necessary.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Chairman: Proceed to section 10.

Mr. Weinberger: I notice the wording of the enabling act is this: "that there be and are reserved to the United States with full acquiescence of the state", and I therefore move to insert after the words "United States" in line 6 these words "with full acquienscence of this state."

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. Franklin: I move in section 10, page 12, line 12, after the word "thereto" add the following: "to the same extent as if this state had remained a territory."

Mr. Weinberger: I second the motion.

The motion prevailed.

Mr. Chairman: Section 11 is next.

Mr. Parsons: The word "country" should be changed to "reservation."

Mr. Chairman: Are there any objections to changing the word "country" to "reservations?" If not, the change will be made. Any further consideration of section 11? If not, it stands passed. Section 12.

Mr. Cunniff: I move that on line 22 the word "hereto" be stricken out and the word "thereby" be inserted.

Mr. Franklin: I second the motion.

The motion prevailed.

Mr. Parsons: I notice in the enabling act the provision is that not only the people of the state do this but the state. It may be that some of the gentlemen would prefer this. When we say the people of the state do a thing, that is sufficient, but I think the people of the state do a great many things that constitute an organization that is not the act of the organization itself, and I think the wording of it should be the same as that of the enabling act, that there could not be any question raised as to that, that "the State of Arizona" as it reads in the enabling act "and its people". They seem to think it necessary to use both the word "state" and "people", and if the members of congress thought that was essential I think they may think it essential for us to include it in here. I therefore move that section 12, in line 20, be amended to conform to the requirements of the enabling act that "the state and the people thereof hereby consent."

Mr. Franklin: Mr. Parsons: Will you accept an amendment that "the state of Arizona?"

Mr. Parsons: Yes sir.

Mr. Franklin: I second the motion.

The motion prevailed.

Mr. Chairman: This finishes the consideration of this proposition. We have on the calendar other propositions--

Mr. Franklin: I move that when the committee arise it report to the convention with a recommendation that Proposition No. 119 as amended be adopted.

Mr. Parsons: I second the motion.

Mr. Baker: I would like to offer one amendment to section 12, and I ask the gentlemen to refer to the enabling act on page 15. I think section 12 ought to be amended, and I will offer this amendment: "And no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without consent of congress."

Mr. Cunningham: I second the motion.

Mr. Tuthill: Will the gentleman from Maricopa yield to a question? Judge, I would like to ask you if the first, third and fourth lines of the ordinance itself do not absolutely accomplish what you have in mind?

Mr. Baker: Not exactly in the language. Congress seems o have gone further in the latter clauses here and says "no future constitutional amendment shall be made which n any manner changes or abrogates this ordinance in hole or in part without consent of congress."

Mr. Ingraham: I would say, Mr. Chairman, that the first lause says this ordinance shall be irrevocable but it oes not say it shall not be amended in any manner.

r. Parsons: Mr. Chairman, will Judge Baker yield to question? Will it not be as essential to add [illegible] clause n addition that this ordinance that we pass here shall e and become a part of the constitution that we are here aking. I find in the second line of that last clause t says: "All of which ordinance described in this ection shall, by proper reference be made a part of any onstitution that shall be formed hereunder, in such erms as shall positively preclude the making of any uture constitutional amendment of any change or abrogation f the said ordinance in whole or in part without the onsent of congress."

r. Baker: I accept the amendment.

r. Chairman: It has been moved and seconded that the amendments made by Mr. Baker and Mr. Parsons be made a separate section, section 13. All those in favor make it known by saying aye; opposed no. The motion is carried. Now, Mr. Franklin.

Mr. Franklin: I renew the motion that when the committee arise it report to the convention that Proposition No. 119, introduced by the ordinance committee, be adopted as amended.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. Chairman: We have Proposition No. 112, which is relative to the same matter that we have just been discussing. What would be the committee's way of disposing of these propositions? Do you care to have them read?

Mr. Osborn: I move that when the committee do arise it report back to the convention and recommend that Proposition No. 112 be indefinitely postponed.

Mr. Goldwater: I second the motion.

The motion prevailed.

Mr. Chairman: Next for consideration is Proposition No. 3.

Mr. Osborn: I make the same motion.

Mr. Goldwater: I second the motion.

The motion prevailed.

Mr. Chairman: The next for your consideration is Proposition No. 121,what is the committee's pleasure?

Mr. Parsons: I move that when the committee do arise that it recommend that further consideration of Proposition No. 121 be indefinitely postponed.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. Chairman: What is your pleasure with Proposition No. 124?

Mr. Osborn: I make the same motion.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. Chairman: What will you do with Proposition No. 19?

Mr. Parsons: I move that Proposition No. 19 take the same course.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. Hunt: I move that the committee arise andreport to the convention.

Mr. Cunningham: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Standage: Mr. President; your committee of the whole begs leave to report it has examined Proposition No. 119 and respectfully requests that it do pass, and that Propositions Nos. 112, 3, 121, 19, and 124 be indefinitely postponed.

Mr. President: If there is no objection the report of the committee of the whole on Proposition No. 119 recommending that it be adopted will be accepted. Those in favor signify by saying aye; opposed no. The ayes have it. Shall it be engrossed and have a third reading? All those in favor will signify by saying aye; those opposed no. The ayes have it, and it is so ordered.

Mr. President: That proposition No. 112 be indefinitely postponed. Those in favor will answer aye; opposed no. The ayes have it; so ordered. That proposition No. 3 be indefinitely postponed. All those in favor will signify by saying aye; opposed no. The ayes have it; so ordered. That proposition No. 121 be indefinitely postponed; all those in favor will signify by saying aye; those opposed no. The ayes have it; so ordered. That Proposition No. 124 be indefinitely postponed. All those in favor will signify by saying aye; opposed no. The ayes have it; so ordered. That proposition No. 19 be indefinitely postponed. All those in favor signify by saying aye; opposed no. The ayes have it; so ordered. If there are no objections we will refer back to reports of committees.

Secretary: (reading) "Report of committee on education on Proposition No. 100.

Mr. President: It will come up when the proposition comes back from the printer.

Secretary: (reading) "Report of committee on education on Proposition No. 44.

Mr. President: In its regular course it will come up tomorrow. Other business of the convention?

Mr. Cunningham: I move we adjourn until 9:30 o'clock tomorrow morning.

Mr. Parsons: I second the motion.

The motion prevailed.

Convention stood adjourned to 9:30 a.m. November 18, 1910.

JOURNAL, November 18, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will rise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: Reading of the minutes.

Minutes read and approved.

Mr. President: Reports of standing committees. Gentlemen of the convention, are there any reports of standing committees? I want to call the attention of the members to the fact that we have been in session now about thirty-eight days and we have only eleven working days. There are some very important committees that have never made any report. Among them are committee No. 8 on state and school lands, committee No. 10 on private corporations and banks, committee No. 11 on railroads, committee No. 12 on agriculture, irrigation and water rights, and committee No. 13 on mines and mining. If we cannot get reports on these propositions we are going to be crowded for time, and I am going to suggest that tomorrow we will expect a report from each of these committees.

Mr. Cobb: I move that we take a recess until 2 o'clock to enable these committees to have a morning session. The sessions have run up to 11 o'clock and 11:30 o'clock. In the afternoon sessions when we adjourn everyone feels tired and does not feel like working on a committee.

Mr. President: Gentlemen, do you think if you take a recess until 2 o'clock you will be able to report tomorrow morning on these committees?

Mr. Winsor: Would it not be worth while to find out if these committees are prepared to have a meeting?

Mr. President: I will ask the chairman of committee No. on state and school lands. The chairman of that committee is not here.

Mr. Jones of Yavapai: I can speak for the committee on suffrage and elections. We will have the final report this afternoon if we adjourn this morning.

Mr. President: There is committee No. 8 on state and school lands. That is an important committee and has never made a report, and there is No. 10 on private corporations and banks. When are they going to report?

Mr. Roberts: Committee No. 10 will be able to report this afternoon.

Mr. Feeney: I want to hear from the committee on state and school lands.

Mr. President: How about committee No. 11?

Mr. Jones of Maricopa: We had our railroad proposition ready to present three weeks ago, and it was then decided that provision should be made for public service corporations and railroads combined, and sub-committees were appointed. It was impossible to get them together last week, but we will have our proposition ready to submit this afternoon, and we do not require any adjournment.

Mr. President: I will ask committee No. 12.

Mr. Orme: If we can get together for half an hour we can make our report, but it has been impossible for us to get together.

Mr. President: State and school lands. I would like to know when they are going to report.

Mr. Coker: Just as soon as we can get the members away from other committees.

Mr. President: We will have to have it tomorrow morning.

Mr. Coker: Day after tomorrow. If the legislative committee and judiciary committee get through their propositions we can get our members together long enough to make our report.

Mr. Jones of Maricopa: At the night session we had the other night almost everyone admitted that more was accomplished in that meeting than we had accomplished at any one session before. I, therefore, move that commencing with tonight we have night sessions until the work is completed.

Mr. Feeney: I second the motion.

Mr. President: The chair will put it in this way that you hold a night session by motion each day.

Mr. Jones of Maricopa: I move that when we adjourn this afternoon we adjourn to meet at 7:30 this evening.

Mr. Osborn: I would like to call the attention of the members to the fact that Dr. McCormack has invited the constitutional convention to be present at his lecture tonight, and it would probably be of great benefit to hear him.

Mr. Moeur: I think it would be a great benefit to Arizona if we get through with this convention and let the doctor lecture next year.

Mr. President: The question, gentlemen, is that this afternoon when the convention take a recess it be until 7:30 p.m. Those in favor will signify by saying aye; those opposed no.

Mr. Cunniff: It seems to me that this is hardly the proper time to vote on that, for we may not have a great deal to do tonight. Every day should take care of itself, and when we adjourn we can decide.

Mr. President: I think the suggestion of the gentleman from Yavapai is well taken.

Mr. Ellinwood: I move that we adjourn until 2 o'clock this afternoon.

Mr. Baker: Before that motion is put I would like to inquire what committee has charge of the preparation of a bill for the special election or the election under the enabling act.

Mr. President: Mr. Ingraham is on that committee.

r. Baker: That is going to be one of the most difficul propositions.
r. President: The chair will declare that the motion to ake a recess until tonight will be out of order, and he motion to adjourn until 2 o'clock will be in order.
r. Standage: I would like to inquire what has become f the militia and public defense committee, and if they ave made a report?
r. Tuthill: The gentleman from Greenlee wishes to state o the convention that he is still here.
r. President: Those in favor of taking a recess until o'clock will answer aye; those opposed no. The nays ave it. This afternoon I hope all these committees ill be able to report so that we can do good and effective ork. I want these important committees to have a meeting.
r. Winsor: I wish that the president would suggest that o member leave the building so that they will be here f they are wanted.
r. President: I think that is a good suggestion too. verybody stay here and work.
onvention stood at recess until 2 p. m.

AFTERNOON SESSION.

r. President: The convention will please come to order. here is a quorum present. Reports of standing committees.
ecretary: (reading) Report of committee on private corporations and banks, on proposition No. 22, recommending ubstitute proposition No. 22 be adopted and that original roposition No. 22 be indefinitely postponed.
r. President: What is your pleasure?
r. Cunniff: I move that the substitute be referred to he committee on printing.
r. President: If there are no objections it will be rdered.
ecretary: (reading) Report of committee on private corporations and banks on proposition No. 101, recommending hat the proposition be indefinitely postponed.
r. President: It will go over and come up when the other ropositions are before the committee of the whole.
ecretary: (reading) Report of committee on private orporations and banks on proposition No. 67, recommending hat it be indefinitely postponed.
r. President: It will take the same order as the other.
ecretary: (reading) Report of committee on private orporations and banks on proposition No. 53, recommending hat it be indefinitely postponed.
r. President: It will take the same course as the other.
ecretary: (reading) Report of committee on private orporations and banks on proposition No. 105, recommending hat it be indefinitely postponed.
r. President: It will take the same course as the other.
ecretary: (reading) Report of committee on private corporations and banks on Proposition No. 29, recommending hat it be indefinitely postponed.
r. President: It will take the same course.
ecretary: (reading) Report of committee in private corporations and banks on proposition 37, recommending that t be indefinitely postponed.
r. President: It will take the same course.
ecretary: (reading) Report of committee on private corporations and banks, on proposition No. 118, recommending hat it be indefinitely postponed.
r. President: It will take the same course.
ecretary: (reading) Report of committee on executive,

impeachment and removal from office on proposition No. 61, recommending that substitute proposition No. 61 be adopted.

Mr. President: Gentlemen, do you want that substitute proposition printed?

Mr. Short: Do I understand that in the first part of that it says "any male" or "any person?"

Secretary: "any male person."

Mr. President: It will come up in the committee of the whole tomorrow.

(Secretary reading) Report of committee on executive, impeachment and removal from office on Proposition No. 125, recommending that substitute Proposition No. 125 be adopted.

Mr. President: Do you want that printed?

Mr. Cunniff: I move that that be printed.

Mr. Franklin: I second the motion.

Mr. President: If there is no objection the usual number of copies will be printed; so ordered.

Secretary: (reading) Report on committee on Mines and Mining on Proposition No. 64, recommending that Substitute Proposition No. 64 be adopted.

Mr. President: It will take the regular course.

Secretary: (reading) Report of committee on mines and mining on Proposition No. 130, recommending that it be indefinitely postponed.

Mr. President: It will come up with the other bill tomorrow.

Secretary: (reading) Report of committee on mines and mining on Proposition No. 138, recommending that it be indefinitely postponed.

Mr. President: It will take the same course as the other.

Secretary: (reading) Report of the committee on legislative department, distribution of powers and apportionment on Proposition No. 6, recommending that Substitute Proposition No. 6 be adopted.

Mr. Cunniff: I move that it be referred to the printing committee and 500 copies ordered printed.

Mr. President: If there is no objection it will be referred to the printing committee and the usual number of copies ordered printed; so ordered.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 20, recommending that it be indefinitely postponed.

Mr. President: It will come up in the committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 35, recommending that it be indefinitely postponed.

Mr. President: It will come up in the committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 39, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 43, recommending that it be amended as follows: Insert the word "the" before the word "executive" and the word "the" before the word "judicial", and recommend that it be adopted as amended.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 45, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative, department, distribution of powers and apportionment on Proposition No. 55, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole with Proposition No. 6.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 89, recommending that I do not concur: M. G. Cunniff.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 43, recommending that it be amended in accordance with the amendments attached, and as amended be adopted.

Mr. Cunniff: There would seem no need of printing that as it follows the first paragraph of the proposition verbatim and the second section is a brief substitute of the original proposition.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 96, recommending that it be indefinitely postponed.

Mr. President: It will come up with Mr. Cassidy's bill.

Secretary: (reading) Report of committee on legislative department, distribution ofpowers and apportionment on Proposition No. 97, recommending that it be indefinitely postponed.

Mr. President: No. 40 has already been passed.

Mr. Winsor: That has already been adopted.

Mr. President: It will come up in committee of the whole tomorrow.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, on Proposition No. 102, recommending that it be indefinitely postponed.

Mr. President: Substitute Proposition No. 6, is it passed?

Mr. Winsor: No sir.

Mr. President: It will come up with No. 6.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 115, recommending that it be indefinitely postponed.

Mr. President: It will take the same course as the preceding one-- come up with No. 6.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 131, recommending that it be indefinitely postponed.

Mr. President: It will come up with No. 6.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 133, recommending that it be indefinitely postponed.

Mr. President: It will come up in the committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 146, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on style, revision and compilation on Proposition No. 2, recommending that it be amended as follows: Strike out the words "all of that portion of the territory of Arizona included within the following limits," and that it be adopted as so amended.

Mr. Cunniff: Mr. President, I can explain that very briefly. The proposition starts off with this statement: "The boundaries of the State of Arizona shall be as follows: "and then there is a paragraph that begins, "all of that portion of the territory of Arizona included within the following limits, namely:" Of course all of the territory within the following limits are not the boundaries of Arizona. It is unnecessary to have that in, so the proposition now starts: "The boundaries of the state of Arizona shall be as follows; namely: beginning at a point."

Mr. President: That is all right. What will you do with the amendment offered by the committee on style, revision and compilation.

Mr. Franklin: I move that it be adopted.

Mr. Osborn: I second the motion.

Mr. President: It is moved and seconded that the amendment of the committee on style revision and compilation be adopted. Those in favor say aye; opposed no. The ayes have it. It will be referred to the printing committee.

Mr. President: Those in favor of the final passage will answer aye as their names are called.

Mr. Baker: I do not mean to be critical in this matter, but I would like to inquire of the gentleman who introduced this, where he got the name of the "State" of Lower California. Is it not a territory of the Mexican government?

Mr. Webb: In answer to the gentleman I am unable to say whether it is a territory or a state, but the description came from the surveyor general's office.

Mr. Curtis: Lower California is a territory.

Mr. Franklin: It is my understanding also that Lower California is a territory.

Mr. Cunniff: I move that it be re-referred to the committee on style, revision and compilation for verification and correction of this matter.

Mr. President: If there is no objection, it is so ordered. Gentlemen, we will now resolve ourselves into a committee of the whole, and the gentleman from Cochise, Mr. Tovrea, will take the chair.

Mr. Chairman: The committee will come to order. Gentlemen of the convention, the propositions for consideration are Nos. 72, 9, 141, 134, 48, 76 and 137. No. 72 is the first proposition for consideration.

Mr. Cunniff: I move that when the committee arise, it recommend to the convention that consideration of proposition No. 72 be postponed to a point on the calendar of the committee of the whole when the propositions on employers' liability come up.

Mr. Winsor: I second the motion.

The motion prevailed.

Mr. Franklin: I move that when the committee arise it report to the convention a recommendation that Proposition No. 9 do pass.

Mr. Baker: I second the motion.

Mr. Bradner: I wish to offer an amendment to insert the words "not more than" before the words "eight hours" in line 2.

Mr. Feeney: I second the motion.

Mr. Franklin: I cannot see that it adds anything.

Mr. Feeney: We do, Mr. Franklin. It adds a great deal.

Mr. Bradner: In stating that eight hours shall constitute a days' work, you might work eight hours, and then eight more.

Mr. Chairman: That would be two days' work.

Mr. Baker: I cannot conveive of that construction of he thing at all. Plainly to my mind there could not be wo sets of a days' work of eight hours, and while I ave not them before me, it strikes me that this is the xact language of almost all the statutes I have been ixing the number of hours of labor, I think it is all ight as it stands.

r. Feeney: It may not strike the judge so, but it has een construed so in the east, and to get the proper onstruction put on it, labor has had to go to court. t has been construed in that way by superintendents of ines.

r. Baker: The superintendents do not construe what aw is. The courts construe.

r. Bradner: I want to say that when we make a contract ith a superintendent we do not have access to the law o get the proper construction.

r. Curtis: Would this prevent police officers from orking more than eight hours a day? If so it would be hardship---

r. Feeney: On policement? (applause)

r. Cunniff: I should say that it does not cover police fficers. I would like to offer an amendment which may e accepted by the gentleman from Cochise, that this hall read "eight hours and no more, shall constitute day."

r. Bradner: I accept the amendment.

r. Feeney: I accept the amendment. I want to say that abor will feel far better satisfied, and I believe you entlemen are willing to make this positive.

r. Chairman: Those in favor of this amendment will ake it known by saying aye; those opposed no. The ayes ave it.

r. Feeney: We have an eight hour law now, and a great any men work over eight hours, but eight hours contitutes a legal day's work, and after that he gets overime.

r. Franklin: This excludes the possibility of over-time.

r. Feeney: All right, we do not want the over-time.

r. Chairman: All in favor of recommending to the conention that this proposition do pass, answer aye; conary-minded no. The ayes have it, and it is so ordered.

r. Orme: Mr. Chairman, I would like to ask for informaon. Does this mean a farmer cannot work a man more than ght hours?

r. Chairman: I will say to the gentleman from Maricopa e will have to accompany that request with a retainer ec.- The next proposition is No. 141.

r. Simms: Mr. Chairman, this seems to be rather a broad roposition. Does it mean to say that a child after he eaves school in the spring cannot go to a factory and ork. That a boy of 14 cannot go into the mills of hoenix or any other place and work?

r. Chairman: I will say that when the president of the onvention called me to the chair he did not endow me ith power more than human, and unless he did, I could ot answer the question.

r. Simms: It seems to me it is a little unfair, and I hink we ought to encourage the boy rather than discourage im.

r. Keegan: I would say that it was the intention of this easure to keep children from working in the factories.

r. Winsor: I see it prohibits any minor child under he age of 15. I take it an adult child under 15 can ork all he wants to.

r. Feeney: I move that the word minor be stricken out.

r. Cunniff: I second the motion.

r. Franklin: If you are going to strike out "minor", move that the word "child" be stricken out and "person" e inserted.

r. Short: I cannot see any material difference between erson and child in this connection.

r. Moeur: I am heartily in favor of this proposition ecause I do not believe in anybody working who can help t. I think if the child had to make its own living and he only place it could get a job was in a mine or factory, t seems to me if you pass this bill you prohibit his getting mployment and make him an object of poverty.

r. Jones : I agree with the doctor from Tempe, but while he meaning and intent of this measure is good, it will esult in more harm than good as presented. "Manufacturing lant" is rather a broad term. A newspaper plant is a anufacturing plant in one sense of the word, and many oys are delivering papers after school. This would eprive those boys of a chance of helping themselves. n a fruit country, children of from 10 to 15 years of ge are often employed to great advantage in their own arents fruit drying or canning yard.

r. Feeney: In every state throughout the east, and the ntire nation, there is agitation against child labor, nd as it has been well said, there has been more destructive han constructive criticism in this convention, and while here are few large manufacturing plants in this territory ow, they may increase and we of the labor party want his.

r. Weinberger: What is a manufacturing plant?

r. Feeney: Ask the Judge.

r. Bolan: I want to say a few words in favor of this bill. rom practical experience, gentlemen, and from working round a mine, I have seen this provision harshly abused, nd I want it corrected. Take for instance, around the oisting works in a mine, they employ children under the ge of 15 years, where it is dangerous. As children they o not know the danger and consequently cannot use the recautions that persons over 16 years of age would use. have also seen them working underground. It is not the ault of the persons employing them, as the employers ire them as a favor. There is nothing we could do that ould be of more good to the children.

r. Jones of Yavapai: Will the gentleman yield for a

question: I am afraid the wording of this proposition will not prevent children working around a mine. It only provides in a mine.
Mr. Bolan: I am in favor of such an amendment, to include that too.
Mr. Ingraham: It seems to me there is a broad principle which has not been mentioned. I take it our farmers would not think of hitching yearling colts to a plough, and neither would any stockman who had a valuable colt put a saddle on him and ride him at one year old. I think the principle at the basis of this legislation is the same principle of conservation. I say if we work children, you will never work them as grown men. The cotton mills of the south and New England work children at 10 and 15 years, and they are grinding the children into profit so they may become diamonds and automobiles for the factory owners. I am in favor of the proposition.
Mr. Chairman: All in favor of the motion ofthe gentleman from Maricopa, Mr. Franklin, answer aye; opposed no. The nays seem to have it; the nays have it. Now the question recurs on the motion of the gentleman from Cochise to strike out the word "minor."
Mr. Ingraham: I wish to make an amendment to that amendment that in place of striking out the word "minor" we strike out the word "child."
Mr. Langdon: I second the motion.
Mr. Chairman: Gentlemen, you have heard Mr. Ingraham's motion. All in favor signify by answering aye; opposed no. The nays have it. The motion is lost. The question recurs upon the original motion. All in favor; all opposed. The ayes have it, and it is so ordered.
Mr. Jones of Yavapai: I move you that in line 2 after the second word "in" insert "or around" and after the fourth word "mine" insert "or in any."
Mr. Osborn: As an amendment, I move that Proposition No. 141 be re-referred to the committee and get it up in good shape. I will say I am heartily in favor of the principle involved in this proposition, but I think the language is not good, and we can get better wording.
Mr. Chairman: We will have this work to do over again. The question comes up on the amendment of Mr. Ingraham.
Mr. Moeur: I would like to ask the gentleman a question. Will he define what he means by "around", would that cover a place half a mile from it?
Mr. Cunniff: I would say that no child shall be employed in mining operations.
Mr. Short: I am in favor of a proposition of this kind, but I believe this is a little too drastic.
Mr. Ingraham: In regard to the criticism that "around" a mine might be construed to mean half a mile from it, I wish to say I think we can trust the courts in construing this not to infringe upon the right to employ children in any manner.
Mr. Jones of Maricopa: Although I am an advocate of protection of child labor, this proposition is fatally defective. There is a question in my mind whether this would apply to smelters as it now reads, but it would apply to a widow woman making butter.
Mr. Connelly: I move to amend in line 2 to strike out the words "in any mine, mill or manufacturing plant."
Mr. Chairman: Gentlemen, you have heard the amendment. Those in favor of this amendment will answer aye as their names are called; opposed no. The secretary will call the roll.
Roll call showed 11 ayes and 30 nays.

r. Chairman: The amendment is lost.

r. Cobb: I move that this proposition be re-referred to he committee on labor, with instructions that they repare a proposition making it mandatory on the first egislature to pass a child labor law.

r. Osborn: I second that motion.

r. Colter: I think this proposition should be re-referred. am heartily in favor of any measure of this kind, and think children should have every social and educational dvantage, and should not go against certain obstacles efore they are of the age of 15 or 16.

r. Feeney: It seems strange, you are all in favor of the hild labor law, but some one's butter factory or printing stablishment or something else wants to hire a child not 5 years old. I am willing to let my boy (and he is ependent upon me altogether) go to the age of 15 without eing employed. I want him to run loose out in the fields nd have a good time. I had to go to work before 15, and do not think it is right to make one under that age work. think we are all agreed that we want a child labor law, nd let us go to it.

r. Jones of Maricopa: I would like to know whether it ould be better to make a child a pauper in the event he ad no one to support him. Suppose your boy would be de- rived of support by reason of death of all on whom he s dependent, would you want him to be dependent on charity? know lots of boys in this town who are taking care of hemselves in a good wholesome way, who you would make aupers by passing the present bill, and what I want is to ee it re-referred.

r. Feeney: I do not want to make any of them paupers, and hat is just why I want the child labor law. We are making oo many paupers by lack of these laws. Society cries ts eyes out for the widow and orphans, and here is an pportunity to act.

r. Cunniff: To get down to brass tacks, we have a pretty ood proposition here, and the only difficulty seems to e on line 2. Let us get down to work and "saw wood."

r. Chairman: All in favor of this motion to re-refer he matter to the committee in which it has been considered, to report an amplified bill, answer aye; opposed o. The motion is lost. Now the motion recurs on the mendment adding the words "or about" after the word "in" n the 2nd line, and the words "or in any" before the ord "factory", in the second line. Those in favor of the doption of the amendment say aye; opposed no. The ayes ave it and it is so ordered.

r. Cunniff: I offer an amendment that the words "or ore eduction works" be added.

r. Simms: I would like to amend that to read "railroads r telegraph companies."

r. Weinberger: I think we are getting into deeper water very minute. Our idea seems to have the legislature nact certain suitable legislation concerning child labor. move to amend the entire proposition to read as follows: 'The legislature at its first session shall enact suitable egislation concerning employment of child labor."

r. Chairman: The question is upon the motion of the entleman from Yavapai to add "or ore reduction works."

r. Connelly: None of these amendments cover the point. hat we want is to get a law passed that will protect all hildren up to 15 years of age. You can talk about actories and railroads, but you leave out other things. have know girls under 15 years of age working in "hash ouses," working 14 hours a day. These are the kids we want to take care of. I am from a smelter town, and I have seen young girls working in the smelter. We want to take care of these children whether in a factory, mine or anywhere.

Mr. Chairman: I know the suffragists regret that the gentleman did not wake up in time for the discussion yesterday. The question is upon the motion of Mr. Cunniff. Those in favor---

Mr. Feeney: Mr. Chairman, we labor men are willing to take a chance on the legislature, and Mr. Connelly's amendment was not going to do anything but give the legislature full opportunity to enact the law.

Mr. Chairman: All in favor of the adoption of the amendment of the gentleman from Yavapai will make it manifest by rising.

Mr. Ingraham: I demand a roll call. I want the gentlemen to go on record on this proposition.

Mr. Crutchfield: I wish to explain my vote. I have voted for this amendment, but I do not believe in any amendment to this line, as I believe every particular we add to this line will cut out necessarily other particulars.

Mr. Chairman: The secretary will call the roll.

Mr. Webb: I should say I should have desired not to vote. This is a matter of entire indifference tome, but I am glad to meet my friend from Cochise on common ground and say I too am willing to trust the first legislature of Arizona, and I am willing to leave legislative matters to that legislature and I do not suppose that all the virtues are possessed by this convention, and the next legislature may be just as desirous of enacting these measures as the gentlemen of the convention. I may say you can juggle with these words and you will still leave it to the first legislature, and they can do whatever they please.

Mr. Franklin: I would ask the unanimous consent of this convention to propose a substitute for Proposition No. 141 as follows: "That the first legislature of the State of Arizona shall enact suitable legislation for the protection of child labor."

Mr. Ingraham: I second that motion.

Mr. Cunniff: I beg to point out we are not endeavoring to protect but to forbid child labor.

Mr. Weinberger: I offer an amendment "that the first legislature shall enact suitable laws prohibiting the employment of children under fifteen years of age."

Mr. Chairman; The question is upon the amendment of the gentleman from Yavapai; that the words "or ore reduction works" be added. Those in favor will answer aye as their names are called; opposed no.

Mr. Colter: I want to rise to explain my vote. I will have to vote no, because I am against the proposition as it is. I am certainly in favor of the intent of the proposition, but I am anxious to see some more George Washingtons, some more good business men, some more good professors in these United States, and I do not want them handicapped by a child not being able to go to work before the age of 15 years.

Mr. Connelly: I rise to explain my vote. It is different from Mr, Colter's. I will vote for it, but I would like to see it cover more ground.

Mr. Crutchfield: I rise to explain my vote. I do not think we should enumerate these unless every possible form be covered. I vote aye on this amendment.

Mr. Jones of Maricopa: I want to explain my vote. I am in favor of an adequate provision preventing child labor in hazardous or unwholesome occupations. I vote no on this because I believe this proposition is an abortion.

Mr. Osborn: I would like to explain my vote. As the gentleman from Yuma wants to put all men who are opposed to this proposition on record, I am glad to say I am as heartily in accord as the gentleman from Yuma or any other man in the house with protecting children. I would like to leave this to the legislature, as I have as much faith in the next legislature as in this convention, andtherefore, I have to vote no.

Mr. Short: I think it is up to me to explain my vote. I am heartily in favor of allowing the legislature to pass something regulating the employment of children, and this will simply be a matter of imperfect legislation with this amendment, if it is going to pass. I hope this will not pass, and I am going to vote against the measure.

Roll call showed 27 ayes and 14 nays.

Mr. Chairman: The amendment is adopted.

Mr. Winsor: I offer the following amendment: To strike out the entire proposition as it now appears, and insert in lieu thereof the following: it shall not be lawful in the State of Arizona to employ any child underthe age of 15 years in any hazardous or unwholesome capacity, and the legislature shall enact suitable laws to enforce the provisions hereof." I want to point out that our constitution is one of limitations, and that the legislature or the people can do whatever they are not specifically prohibited from doing. Therefore, they could pass all the child labor laws they want without any order from the constitutional convention. On the other hand, with all the orders and mandates in the world they could not be compelled by this convention to pass any child labor law at all. Therefore, I do not think you are accomplishing anything definite by the proposition you have. What you want, to my mind, is a constitutional prohibition against the employment of children under the age of 15 years, and I submit the proposition I have prepared absolutely prohibits the employment of children under the age of 15 years. I think it is unwise to go into detail naming the employments, inasmuch as you have here a fundamental basis on which a law may be founded, and the legislature, if it can be trusted at all, can be trusted to cover the ground fully.

Mr. Hunt: I second the motion of the gentleman from Yuma.

Mr. Connelly: Will the gentleman yield for a question? I would like to have you interpret what it means by "hazardous or unwholesome capacity."

Mr. Winsor: I would like to amend this to follow the Oklahoma, provision in this regard, which reads "that the employment of children under the age of 15 years in any occupation injurious to health or morals or especially hazardous to life or limb is hereby prohibited, and the legislature shall enact suitable laws to carry this provision into effect."

Mr. Cunniff: The proposition we have before us is very much better than the proposition suggested by the gentleman from Yuma. In the first place we do not want to prohibit the employment of all children under the age of 15, because there are boys under that age who work after school selling papers. There are occupations which are hazardous and unwholesome to children under the age of 15 which are not hazardous and unwholesome occupations, and the matter of interpretation of these words has been carried to the supreme court of the United States. The only question about the proposition as it stands is to cover all the occupations which should be covered in Arizona, and I think the proposition is good as it stands.

Mr. Bolan: Before the question is put, I would like to say in regard to this amendment that since Oklahoma has become a state, and since this constitution for Oklahoma was written I have had opportunity to talk with citizens of Oklahoma in regard to this measure of child labor, and I find aid societies and Humane societies in Oklahoma say it does not prohibit child labor in Oklahoma in the coal mines, and there are as many children working in these mines as before, and consequently I think this will not do any good, and I hope this amendment will not pass.

Mr. Franklin: I wish to propose an amendment to the motion of the gentleman from Yuma, so it shall read as follows: "The first state legislature shall enact suitable laws to protect child labor."

Mr. Short: We seem to make haste slowly in this matter, and I think the proposition that is submitted as a substitute by my colleague from Yuma almost coincides with my views.

Mr. Connelly: We are getting right back into the old rut where Oklahoma is. They prohibited child labor under certain conditions. They also say that children may work in the mines if they get the consent of their parents or guardians.

Mr. Winsor: Mr. Chairman, I would like to ask the gentleman a question. The gentleman from Cochise states that the constitution of Oklahoma goes on to say that the children can be employed in certain capacities with the consent of their parents, but I want to point out that the provision proposed by myself does no such thing.

Mr. Connelly: No, but you do not say they cannot work there.

Mr. Franklin: I rise to a point of order.

Mr. Chairman: State your point of order.

Mr. Franklin: The question here is on the amendment to the amendment. That amendment was made on the motion of the gentleman from Yuma.

Mr. Connelly: I move that the gentleman's point of order is not well taken.

Mr. Chairman: The gentleman from Cochise has the floor. The point of order is not well taken.

Mr. Connelly: Mr. Webb said the Oklahoma constitution was no good. They can work children if the parents or guardians will make an affirmation that they have got to do it to live, and you know as well as I do that you can get some parents to swear to an oath on a stack of Bibles as high as the Capitol, just to get the two or three dollars the kid earns. So far as the kids having to sell newspapers, I do not believe it is right for the kids to have to get out on cold, frosty mornings to sell any papers, and I believe that the only solution of this problem is to prohibit the child labor under 15 years of age.

Mr. Orme: What are we going to do with the pages in the convention?

Mr. Chairman: The next convention cannot have them. The question is on the adoption of the amendment of the gentleman from Maricopa, as you have heard it read. If you desire to have it read again it will be done. And the amendment offered by the gentleman from Yuma. All those in favor of the amendment offered by Mr. Franklin manifest by saying aye; opposed no. The motion is lost. The motion recurs upon the amendment of the gentleman from Yuma, Mr. Winsor. Those in favor will manifest by saying aye; opposed no. The motion prevails, and it is so ordered. A roll call has been demanded. The secretary will call the roll.

Roll call showed 22 ayes and 20 nays.

Mr. Chairman: The amendment has been adopted.

Mr. Webb: I move that when the committee do arise it report to the convention that it has examined Proposition No. 141 and recommend that the same be adopted as amended.

Mr. Winsor: I second the motion.

Mr. Chairman: The gentleman from Graham has moved that when the committee do arise it report to the convention recommending that Proposition No. 141--the substitute for Proposition No. 141, as amended by the gentleman from Yuma, Mr. Winsor, be adopted--the report be that it be adopted. Are there any further remarks?

Mr. Ingraham: I move that the proposition be re-referred to the committee on Labor.

Mr. Connelly: I second the motion.

Mr. Chairman: You have heard the motion, that the proposition be re-referred to the committee on labor. Are you ready for the question? Those in favor will manifest by saying aye; opposed no. The chair is in doubt. The secretary will call the roll.

Mr. Winsor: Mr. Chairman, we have a proposition from the committee on labor which has engaged the attention of this committee for several house, and I cannot see any logic in re-referring that proposition without any instructions back to the same committee. I cannot see that we are making any headway at all. Therefore, I vote no.

Roll call showed 21 ayes and 22 nays.

Mr. Chairman: The motion is lost.

Mr. Webb: Mr. Chairman, I ask that my motion now be put.

Mr. Chairman: The question now is on the motion of the gentleman from Graham, Mr. Webb, when the committee do arise it recommend that Proposition No. 141 as amended by the gentleman from Yuma, Mr. Winsor, be adopted. Those in favor signify by saying aye; opposed no. The ayes have it and it is so ordered. The next order of business is Proposition No. 134.

Mr. Tovrea: I move the adoption of the report of the committee.

Mr. Feeney: I second the motion.

Mr. Chairman: It has been moved and seconded that the report be adopted. Are you ready for the question?

Mr. Cunniff: Mr. Chairman: I am in favor of all propositions that are advantageous to labor, but I think this is not a proposition of that kind. It is one that would be a benefit to the working men under certain conditions,- married men living around large mines, but it seems to me it would work unnecessary hardship on small mines in various parts of the country, and the men being employed being the ones who should have first consideration. It is a matter that would not be of advantage to them, and therefore, I feel that this matter of fixing the question of wages could very well be settled by a legislative enactment whereby distinctions could be made better than in the constitution. Therefore, I am opposed to this.

Mr. Feeney: Does the gentleman from Yavapai yield to a question?

Mr. Cunniff: Why, certainly.

Mr. Feeney: Will this work the greatest good to the greatest number?

Mr. Cunniff: This is a question that Ican scarcely answer. I think it would probably be assistance in towns like Bisbee, Jerome and Clifton, so far as the mining industry is concerned, and the number of men employed in these other sections would surpass the other.

Mr. Baker: Mr. Chairman, I am in hopes that the convention will not see fit to adopt this proposition, because, in my mind, it would absolutely be null and void, unconstitutional and in direct violation of the 14th amendment of the constitution of the United States, simply because you deprive corporations, individual or association, from entering into a contract and saying when and how they shall pay their employees. The right to contract is a proper right in the sense of the Constitution of the United States. You cannot deprive anyone in this country of that right to make their contract in reference to the payment of their employees. This would invade that right, in my opinion.

Mr. Webb: Mr. Chairman, I desire to say briefly that I have not fone into the merits of this question, or the effect it might have if it were a law, neither have I any desire to do so, as our writing into our constitution could do nothing except cumber our constitution with something of no effect whatever. The legislature may or may not do that, or will or will not do it, just as they please. It is our work, and in writing it in here we are attempting to usurp their power. We are presuming that they will be incompetent or dishonest, and for that reason any proposition that is ineffective in any way and only cumbers the constitution I shall vote against.

Mr. Feeney: I would like to ask the judge a question. Are you familiar with the conditions that existed in the writing of the New York two-weeks or semi-monthly pay day law?

Mr. Baker: No sir, I am not familiar with the provision you refer to.

Mr. Feeney: The legislature passed a semi-monthly pay day in New York, and it was fought in the courts, and I am sure it was held to be constitutional.

Mr. Bradner: Massachusetts has a law that all firms and corporations have to pay their help every week, and Connecticut and Rhode Island also, and New York every two weeks.

Mr. Hunt: Isn't that a statutory law? It is not in the constitution.

Mr. Bradner: It must be constitutional if it is a statutory law.

Mr. Baker: The laws of this country - the constitution of the United States - allow me and you to agree that if you work for me one month I shall pay you ten dollars at stated times during the month until it amounts to one hundred dollars in all. There is no doubt but what that is a constitutional right under the constitution of the United States. If you pass a law of this kind you deprive a man of the right of making a contract of that kind. You say that this legislature is wiser than the man who employs the man to work for him; that we know more about their interests, so we say positively by enactment that this employee shall be paid at stated times. What business would you have in this country with such a law overshadowing mines and corporations. I do not think you would have any business here in a short time.

Mr. Chairman: The question is on the adoption of this

report of the committee on labor. Those in favor will manifest by saying aye; opposed no. A roll call is demanded. The secretary will call the roll.
Mr. Short: On the same ground that I took in regard to the other, I shall be obliged to vote no. I think it is purely legislative.
Roll call showed 18 ayes and 23 nays.
Mr. Chairman: The motion is lost.
Mr. Baker: I move that when the committee do arise that it report to the convention and recommend that Proposition No. 134 do not pass.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Chairman: The next order of business is Proposition No. 48.
Mr. Webb: Mr. Chairman, since having taken the position I have on two or three measures, I simply desire to say that this is restrictive and I shall support it.
Mr. Short: I would like to offer an amendment to this proposition, in line 3 after the word "state" strike out the balance of that line. That will give road overseers an opportunity to employ such labor as they may be able to procure in working roads over the mountains and places where it is very difficult to secure citizens of the United States to do the work.
Mr. Chairman: The paragraph will not then make sense if you stop at the word "state".
Mr. Short: That is right, Mr. Chairman. Leave in the word "employment," and strike out "county and municipal," and change the word "works" to "work".
Mr. Orme: I second the motion.
Mr. Cunniff: I wish to move an amendment here. The point is I have presented myself a proposition of this kind, No. 136. I wish to move that that matter between the brackets be incorporated here. This covers the ground.
Mr. Hunt: I would like to ask if under this provision an Indian could be employed on public works.
Mr. Cunniff: Not unless they were Indians admitted to citizenship.
Mr. Hunt: In Gila county they employ a good many Indians.
Mr. Cunniff: I would point out that this matter between brackets in proposition No. 136 covers all the ground. It provides in cases where it is impossible to procure citizens of the United States that others may be employed, which seems to me to be a necessary provision.
Mr. Chairman: Do I understand, the gentleman from Yavapai offers that as an amendment?
Mr. Cunniff: This is aiming to do the thing that the gentleman has in mind, and I think it is better.
Mr. Chairman: Will the gentleman from Yuma accept the amendment of the gentleman from Yavapai?
Mr. Short: I would if it would mean the same thing.
Mr. Feeney: As a member of the labor committee, I would rather that none of it pass than to provide for those words in the brackets, for if there was ever a loophole left it is provided in those brackets, and so I will vote against that.
Mr. Chairman: That has not become an amendment yet.
Mr. Franklin: Do I understand that Mr. Cunniff offers this proviso in brackets as an amendment?
Mr. Cunniff: Yes.
Mr. Chairman: Mr. Cunniff proposes to offer his proposition as an amendment to this.
Mr. Franklin: As this Proposition No. 48 now stands I support it, but if this provision embodied in the brackets

is grafted in it, I shall oppose it for the reason it absolutely destroys---

Mr. Hunt: We have a lot of Indians, and it seems to me that we ought not to deprive them of that source of revenue. In Gila county the Indians make a living by building roads and such labor as that. They do not come in conflict with organized labor at all.

Mr. Chairman: It would seem to the chair that that would not be an amendment to the amendment made by the gentleman from Yuma.

Mr. Moeur: I am opposed to Proposition No. 48 from start to finish. It is not American. If we had to employ American labor some of the roads would not be finished in fifty years.

Mr. Ellinwood: I regret that I am opposed to this measure for no other reasons than those stated by the other members. If you pass this provision it would prevent the employment of a sculptor. The Bucky O'Neil monument would not have been erected. The Congressional Library in Washington would never have been built. You are barring out that class of people. I am sure that the framers of this bill did not have that in mind. There are certain things, such as the work of a sculptor which sometimes you have to get a foreigner to perform.

Mr. Baker: I would like to call the attention of the convention to this matter. I find that a similar section to this section is in the constitutions of Idaho and Wyoming; so far as I know they are the only two states in the Union that have attempted to put anything like this in the constitution. I confess on the spur of the moment I have not had time to dig up the authorities on the question, but I find a note that says such a proposition if a treaty exists will not be operative. It strikes me that this is a true statement of the matter. Take one of the aliens that come into this country on a treaty of the United States. We all know it is a treaty and I doubt very much, where they have a right to come in under a treaty, whether we can exclude them from employment upon public works or any work.

Mr. Weinberger: I want to ask the author of this proposition if there is any danger of the employment of such people on public works. I have not known of any instances in the territory, exceptthe employment of Mexicans of the lowest class. I do not know that there is any reason to fear that anything of this kind will take place.

Mr. Bolan: Speaking from observation, and in cases where I know it to be a fact; people, citizens of the United States, were barred from working on the county roads when they could get any other kind of labor, simply because the men who were at the head of this department would not employ them, but employ foreign labor at the same price, and would not give them a chance to work and would give foreigners preference over these people for some cause or other. I do not attempt to state this cause. This has not only been in certain vicinities, but I understand from talks with people from various parts of the country, that it occurs quite frequently in different parts of the country; consequently I think they should have some protection. People who pay the taxes should have the preference in regard to this work.

Mr. Weinberger: I want to ask another question. Suppose a county or state enters into a contract with some firm or corporation for the construction of a building or a bridge. It seems to me the contracting parties have a right to their own privileges under the contract.

Mr. Bolan: That has been settled. They will not let them contract for alien labor or contract labor.

Mr. Feeney: You are speaking about when they could not get American citizens to work. You do not stop to think that in California no one but American citizens can work on the Aqueduct, and they manage to get all the help they need, because the state has a law compelling them to pay good wages. I know that whenever Mexicans and this low element is used on municipal works there is also a line of nasty little grafting going on, and that is the condition that arises in most of the municipal works, and that is what we are striking at.

Mr. Orme: If you include the county and municipality here it would ruin this county for any work whatever. In letting a contract to build a bridge across the river here last summer we includedten thousand dollars worth of Indian work which the Indian department donated. During the summer it was impossible to get any white men except the experts to work on that bridge in any way, shape or form, and it is that way today. The American labor won't do it, and in working on our roads hauling gravel (which is the principle portion of the work here) nine-tenths of the men are Mexicans who do that hauling. It is utterly impossible to get an American to haulthat gravel and the county would be absolutely at a loss, and it would be impossible to work a road in any way.

Mr. Franklin: With reference to the power of this state to do this thing, I am thoroughly convinced it has the power, for the reason that this is a different matter from prohibiting aliens, or any other person, from signing or contracting for employment. If this constitution should provide that nobody but aliens should have employment, it would, in my mind, be clearly unconstitutional, for the reason that under the treaty provisions of the various countries and the United States that is prohibited, but here this state is the contracting power itself. The municipalities are making these contracts. If I am doing my work I have a right to say that I shall not employ an Italian or an Indian, or anybody I please, because I am making the contract. Here this state or its subdivisions may make these contracts and they have a right to say they will not employ certain individuals. So far as this is concerned, I think it is constitutional. On the other hand, I think it is a very good provision, and if it is left unrestricted I shall vote for it because I think it is a good regulation for the protection of our non-citizens. (applause)

Mr. Crutchfield: I would like to answer the argument of my colleague from Maricopa, Mr. Orme, which he said it would be impossible to get labor. Now, I believe, it is hardly right to say that it is impossible to get labor for the proper price will bring sufficient labor at any time. It is a question of economy, probably, with cities and counties, and the state, also, but it is economy that is very poor indeed, when American citizens are to be denied positions and a low class of labor hired in their stead. I believe we can easily secure all the labor we need if we will pay the proper price for it. It is perfectly constitutional--furthermore it is perfectly right, and I am going to vote for it.

Mr. Moeur: This proposition is absolutely unjust. Talk about American citizens, ninety per cent of us come from across the water. We did not make this universe, and do not expect to control it. It makes me tired to hear this talk.

Mr. Hunt: I would like to offer an amendment that in the first line after the word "citizens" you insert "or ward." This gives the Indians in this territory a chance to live, and they were here a long time before we ever saw America.

Mr. Cobb: I am heartily opposed to the amendment offered by the gentleman from Gila. It is that very thing that we want to stop-- the employment of chaap labor, and if they are wards of the government, the government can support them.

Mr. Bradner: I would like to ask President Hunt a question. Is an Indian required to work as a means of livelihood?

Mr. Hunt: The government don't feed them enough to sustain life.

Mr. Bradner: They are supposed to.

Mr. Webb: I believe most of these Indians have the choicest farming lands that there are in Arizona, and the working man is not permitted to take this land up. There is water and land, plenty of it, furnished free, and I know the government has furnished them with cattle by the hundreds to run, with farm implements of every kind and with skilled farmers to teach them how to farm.

Mr. Hunt: I would like to ask where that land is.

Mr. Webb: Part of it is in Gila county and part in Graham county.

Mr. Cobb: That is part of the population of Graham county.

Mr. Webb: That is the part that I want counted.

Mr. Chairman: The motion is on the amendment of the gentleman from Gila, Mr. Hunt, that we add the words "or ward" after the word "citizens."

Mr. Ellinwood: I would like to ask one question. Doesn't the Indian after he receives an allotment cease to be a ward?

Mr. Hunt: Then he becomes a citizen.

Mr. Chairman: Those in favor of the amendment manifest by saying aye; those opposed no. The nays have it and the motion is lost.

Mr. Jones of Maricopa: I move an amendment to insert these words following the comma (,) on line 3: "provided that nothing herein shall be construed to prevent the working of prisoners by the state or municipality thereof on street or road works."

Mr. Chairman: After the word "employment."

Mr. Jones: Adding on the third line after the word "employment."

Mr. Osborn: I would like to ask the gentleman from Maricopa if a prisoner here in the municipal jail is not a citizen of the United States.

Mr. Jones: He is not a citizen if he is a foreigner.

Mr. Jones of Yavapai: We do not want to prevent the punishment of criminals in our jails, nor do we want to make it impossible to work prisoners on the rockpile or on the street.

Mr. Chairman: You have heard the amendment. Are you ready for the question? All those in favor will make it manifest by saying aye; those opposed no. The chair is in doubt. Those in favor will make it manifest by rising.

Motion prevailed by rising vote of 20 to 16.

Mr. Webb: I move that when the committee arise it report to the convention that it has examined Proposition No. 48, and recommend that the same be passed as amended.

Mr. Short: Mr. Chairman, I would like avote on my amendment to strike out in line three "county and municipal" and to change the word "works" to "work."

Mr. Chairman: The question recurs on the motion to strike out the words "county and municipal" and to change the word "works" to "work". Those in favor will manifest by saying aye; those opposed no. The motion is lost.

Mr. Cunniff: I move that the matter between the brackets in Proposition No. 136 be inserted on line 3: "provided that in case such citizens or such prospective citizens do not apply for employment, others may be employed."

Mr. Chairman: Does that meet with a second?

Mr. Jones of Yavapai: I second the motion.

Mr. Webb: Such a provision would do this. It would necessitate the decision of the court to tell whether or not they could, and would probably never be determined on its merits.

Mr. Chairman: Those in favor will manifest by saying aye; those opposed no. The motion is lost. The question now recurs on the motion of the gentleman from Graham, Mr. Webb.

Mr. Moeur: I wish to amend that motion that this committee do arise and recommend that the proposition do not pass.

Mr. Chairman: You have heard the amendment that the committee arise and recommend that Proposition No. 48 do not pass. Those in favor will manifest by saying aye; opposed no. The motion is lost.

Mr. Moeur: Roll call.

Mr. Webb: They will probably consent to a roll call on the next motion which is exactly the same thing--that it do pass.

Mr. Moeur: Roll call, Mr. Chairman.

Mr. Chairman: The secretary will call the roll.

Mr. Jones of Maricopa: I want to say in explanation of my vote that if Indians were exempted I would vote no; as it is I shall vote aye.

Mr. Lovin: I would like to make the same explanation as Mr. Jones. If Indians were exempted I would vote no; but as it is I will vote aye.

Mr. Hunt: I would like to have the word "Indians" in there, but I will vote no anyway.

Roll call showed 18 ayes and 25 nays.

Mr. Chairman: The motion is lost. The question now recurs upon the motion of the gentleman from Graham. Shall the committee recommend that this proposition do pass? Those in favor manifest by saying aye; opposed no. The motion is carried; so ordered. Proposition No. 76 is next on the calendar.

Secretary: (reading) Report of committee in labor on Proposition No. 76 recommending that it do pass.

Mr. Feeney: I move it be adopted.

Mr. Connelly: I move that in line three the word "four" be stricken out and the word "two" be substituted.

Mr. Franklin: I second the motion.

Mr. Chairman: You have heard the motion that in line 3 of section 1 the word "four" be stricken out and the word "two" be inserted in lieu thereof; those in favor manifest by saying aye; opposed no. The motion is carried.

Mr. Weinberger: This states "a department of labor is hereby created to be under the control of the commissioner of labor who shall be elected." Who are you going to elect, a department of labor or a commissioner of labor?

Mr. Connelly: A commissioner of labor. That is a verbatim copy of the Oklahoma constitution.

Mr. Short: The way this reads it certainly elects the department of labor.

Mr. Keegan: Section 3 of this proposition reads: "The legislature shall create the office of state boiler inspector, whose term of office shall be four years, and his duties shall be prescribed by law". Shall that remain that way? I move that it be made two years.

Mr. Chairman: The amendment is offered that the word "four" in line 9 be changed to "two". Those in favor manifest by saying aye; opposed no. The ayes have it and it is so ordered.

Mr. Connelly: This is taken the way it reads in the Oklahoma constitution, and it cannot mean the department of labor because it says "his duties shall be prescribed by law." The department should be more than one.

Mr. Jones of Yavapai: I move that an amendment be made inserting these words in line three after the word "and"---"whose term of office shall be two years and" "who shall be state boiler inspector and his duties shall be prescribed by law." We have nothing of that kind now for any department, and if it is possible, and I think it may be, to get a man who could be competent to look after the inspection of boilers-- one head and make that head responsible for the inspection of boilers. I believe that it would be in the line of economy, and I believe it could be worked out practically.

Mr. Connelly: The state boiler inspector is a job by itself. I do not think you can get a man competent to inspect boilers and be at the head of a commission of labor also, although in this department of labor the legislature may have the office of state boiler inspector under the direction of the commission of labor, but in most of the states where they have a state boiler inspector he must have had at least eight or nine years experience as a boiler maker.

Mr. Weinberger: Since this has been interpreted that the commissioner of labor has to be elected, what becomes of the department of labor? You state "the department of labor is hereby created."

Mr. Feeney: Make a suggestion.

Mr. Weinberger: I do not know what was intended.

Mr. Connelly: That is nothing more or less than a department of labor left to the legislature to fill out and a commissioner shall be elected who is at the head of it.

Mr. Ellinwood: I would ask that a division of the three sections be made. There is one section I would like to vote for but I cannot vote for it all.

Mr. Chairman: Those in favor of the committee when it rises recommending the adoption of section 1 of Proposition No. 76 make it manifest by saying aye; opposed no. Those in favor make it manifest by rising. The motion is carried. Those in favor of the committee recommending the adoption of section 2 of Proposition No. 76 will make it manifest by saying aye; those opposed no. The ayes have it. That section is adopted. Those in favor of the committee recommending the adoption of section 3 of Proposition No. 76 make it manifest by saying aye; opposed no. The ayes have it and it is so ordered.

Mr. Hunt: I would like to ask for information in regard to section 3. Will some of the gentlemen inform me of the duties of a state boiler inspector?

Mr. Chairman: It shall be prescribed by law.

Mr. Hunt: All the boilers in the territory?

Mr. Chairman: The proposition says "which shall be prescribed by law." We have adopted the whole proposition, the committee's report on Proposition No. 76. All those in favor will manifest by saying aye; opposed no. The motion prevails. Proposition No. 76 is adopted as amended. The secretary will read the report of Proposition No. 137.

Secretary: (reading) Report of committee on labor on proposition No. 137 recommending that it do pass as amended.

Mr. Chairman: What is the pleasure of the convention?

Mr. Bolan: I move when the committee arises that it report and recommend the adoption of the committee report.

Mr. Ingraham: I move that in line 2 after the word "corporations" be inserted the words "or persons."

Mr. Chairman: The amendment offered is that the words "or persons" be added.

Mr. Cunningham: I have caught the disease "amendacitis", and I think I will ask the gentleman from Yuma to add the word "associations" to his amendment.

Mr. Chairman: Will you accept the amendment?

Mr. Ingraham; Yes sir.

Mr. Moeur: I have the disease "kickitis" I guess. I object to this. We have a right to create a "black list." I tell you right now you have a right to protect yourselves against such people.

Mr. Feeney: Why didn't you vote for the boycott bill?

Mr. Cunniff; The other day I helped to vote down a proposition on the boycott, and there seems to be a strong opinion that the boycott should not be permitted. What is sauce for the goose is sauce for the gander. Let us not have the "black list" either.

Mr. Chairman: The amendment of the gentleman from Yuma, Mr. Ingraham, is to add the words "association or persons" after the word "corporations," in line 3. Those in favor manifest by saying aye; opposed no. The motion prevails.

Mr. Moeur: Roll call.

Mr. Chairman: The question was decided before any roll call was demanded. The question now is that when the committee arises it recommend that the proposition as amended do pass. Those in favor make it manifest by saying aye; opposed no. The ayes have it and it is so ordered.

Mr. Chairman: Do the gentlemen want a roll call.

Mr. Moeur: I want to go on record on such a proposition as this.

Mr. Jones of Maricopa: I would like to know what we are voting on.

Mr. Chairman: We are voting on the proposition that has already been passed.

Mr. Jones: Could one merchant tell another you are a dead beat?

Mr. Bradner: Can I explain that?

Mr. Chairman: The chair has no objection.

Mr. Bradner: Will you allow me to explain that to you?

Mr. Jones: Certainly.

Mr. Bradner: The railroads are the corporations that use the black list more than any one else, and if a man has an accident of any kind that they think shows he is not really a careful man, and discharge him, and he goes to another road for employment, he has to make out an application and in the meantime he goes to work, and when that application comes back the man is discharged. The man might be competent, only he met with an accident, and the only way that man can get a job again is to change his name, or make out false papers.

Mr. Jones of Yavapai: I would like to vote in favor of that but there is an association in every town in the

United States of merchants who exchange list of dead beats for the protection of the men who have good credit. You prevent that by this proposition, and I want to vote for what you want to accomplish, and I want to make it possible for you and I in the mercantile business, to tell each other when we are being defrauded by people who are plainly "dead beats."

Mr. Bradner: I can tell the gentleman the way they can keep out is not to trust those "dead beats."

Mr. Weinberger: I want to ask a question. You say here the legislature shall prohibit the exchange of "black lists." What do you mean by the exchange of "black lists"--giving one for another? Suppose that a "black list" is given without any exchange, or return of any other "black list."

Mr. Chairman: The chair suspended the roll call long enough for the gentleman from Maricopa to ask a question, and we had better proceed with the roll call.

Mr. Franklin: I want to ask one more question. Does this prevent a grocery man from "black listing?" If it does I will vote for the "black listing."

Mr. Ellinwood: Mr. Chairman: this is the first time I have ever arisen to explain my vote. I am heartily in accord with everything Mr. Bradner says, and I am opposed to this system from start to finish. This law you are attempting to pass is not going to do it. It is the exchange of a black list; in other words, one man can give a list and he must get a black list. It ought to be the giving out of a "black list." It accomplishes nothing and I vote no.

Mr. Weinberger: I want to explain my vote. I asked Mr. Bradner to explain the meaning of the word "exchange", and the way it appears to me now; this will not be of any effect at all, and I, therefore, vote no. I am willing to favor a suitable proposition concerning this matter, but not in its present form.

Roll call showed 25 ayes and 17 nays.

Mr. Chairman: The motion is carried.

Mr. Hunt: I move the committee arise.

Mr. Mocur: I second the motion.

Mr. Chairman: Those in favor of the motion that the committee do now arise make it manifest by saying aye; opposed no. The motion is carried.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Parsons: Mr. President: Your committee of the whole begs leave to report that it has examined Propositions Nos. 72, 9, 141, 48, 134, 76, 137 and reports as follows:

Mr. President: One at a time.

Mr. Parsons: With reference to Proposition No. 72 that further consideration thereof be postponed until the employers' liability laws are under consideration.

Mr. President: Those in favor of deferring it will answer aye; it is so ordered.

Mr. Parsons: No. 9 was amended by adding after "hours" in line 2, the word "and no more," and striking out the word "work" after the word "hours" and as recommended that it pass.

Mr. President: Those in favor will answer aye; those opposed no. The nays have it. Shall it be engrossed and have a third reading? Those in favor will answer aye;

opposed nay. The ayes have it.
Mr. Parsons: No. 141 was amended by striking out the word "minor" and to amend line 2 by adding "or about" after "in" in line 2, and add "or ore reduction, mill or any" after "mine."
Mr. Winsor: The gentleman is mistaken. It was amended in full.
Mr. Parsons: That is true. It was amended by substituting Mr. Winsor's amendment.
Mr. President: Those in favor of the adoption of the report of the committee of the whole on Proposition No. 141 will answer aye; opposed no.
Mr. Ingraham: I move the proposition be re-referred to the committee on labor.
Mr. President: Those in favor will answer aye; those opposed no. Call the roll on the motion to re-refer.
Mr. Goldwater: I rise to a point of order. Has the committee of the whole made a report?
Mr. President: They have made a report.
Mr. Goldwater: I did not hear it, except by sections.
Mr. President: They are reading it by sections.
Mr. Goldwater: Why not let the committee make a full report?
Mr. Parsons: We recommend that No. 141, the amendment as offered by the gentleman from Yuma, Mr. Winsor, be recommended to pass. Proposition No. 134 we recommend that do not pass; Proposition No. 148 we recommend that it pass as amended, Proposition No. 76 we recommend that it pass as amended. Proposition No. 137 we recommend that it pass as amended.
Mr. President: The question comes up on the report of the committee of the whole. Those in favor of accepting the report of the committee of the whole will answer aye; opposed no. The ayes have it.
Mr. Osborn: I want to offer an amendment to the report of the committee of the whole; Proposition No. 137 I would like to have re-referred.
Mr. President: When we get down to that Mr. Osborn, I will take it up. Proposition No. 141, shall it be engrossed and have a third reading--
Mr. Goldwater: I move that the consideration of this report be postponed and that the convention stand at recess until 9:30 tomorrow morning.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Ellinwood: I move we adjourn.
Mr. Goldwater: I second the motion.
Convention stood adjourned to 9:30 a,m. November 19, 1910.

JOURNAL, November 18, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will now rise for the invocation by the chaplain.
Prayer by the chaplain.
Mr. President: The secretary will now read the minutes.
Minutes read and approved.
Mr. President: Gentlemen of the convention, we will take up the work where we left off, that of the recommendation of the committee of the whole on Proposition No. 141.
Mr. Feeney: As a member of the labor committee, I am

willing to admit that the discussions we have heard have brought out a great deal of light upon the labor law that we did not anticipate, and Proposition No. 141 is not what we want exactly, nor is No. 127. It is something like this: You can and you cannot; you will and you won't; you'll be damned if you do and you'll be damned if you don't. We would be glad to have it referred back.

Mr. Cunniff: I move that those propositions be referred back to the committee on labor.

Mr. Feeney: I second that motion.

The motion prevailed.

Mr. President: Proposition No. 134.

Mr. Parsons: I move that Proposition No. 134 be indefinitely postponed.

Mr. Baker: I second the motion.

The motion prevailed.

Mr. President: Proposition No. 48 should be adopted as amended.

Mr. Parsons: I move that it be adopted.

Mr. Baker: Mr. President, I want to say one word about this matter. I believe that what appears before the words "state, county or municipal works;" is unconstitutional. I do not believe that you can provide that no one except Americans can be employed to work upon any state, county or municipal labor. An employer, or a corporation or a firm has the right to say who shall or who shall not work, but this bill I believe will be voted unconstitutional, and I believe just as my colleague said "That it may be impossible to secure American labor," and I move an amendment by striking out the words "county and municipal works."

Mr. President: I would like to ask the gentleman from Maricopa if we have a law providing for labor on public highways? Under this law it would be impossible to do so.

Mr. Baker: The whole bill is bad and I do not think it should go in at all.

Mr. Cunniff: I question the belief that this is unconstitutional. If this is reasonable at all the labor would be directed by the state, and the work could be done only by the power of the state. I do not think it could be called unconstitutional to protect its own laborers or American labor. I do not think there would be any need to fear a shortage of American labor if they would give the right salary. If this were the case they could always secure citizen labor where now they are compelled to take the cheaper labor of Mexicans and other foreigners. I would renew my motion found in the brackets of the proposition, but I will wait to offer an amendment until I hear from the gentleman from Maricopa county.

Mr. Jones of Maricopa: Mr. President, I would like to hear the gentleman from Maricopa explain just what difference he finds in the word "works," and "work."

Mr. Baker: There is no explanation.

Mr. Moeur: We have again come to a question which seems to me to be unconstitutional. If you want to strike out those words and there is no employment excepted this is borrowing from the immigration department and it is unconstitutional.

Mr. Bolan: It seems to me this gentleman's argument that there is no labor or employment that should be withheld from aliens and that there are not enough laborers without aliens is a mistaken contention. I have had a great deal of experience in this territory and I have never found a scarcity of American labor if you will pay them the right price for their labor. I do not think it would work a hardship on any one if this proposition were adopted as it is, and I for one am perfectly willing that this bill should pass.

Mr. Franklin: It seems to me, or I would suggest that it should read, "No persons except those who are taxed."

Mr. Bolan: I accept that amendment.

Mr. Baker: I would accept that but I still believe that the first amendment should carry.

Mr. Orme: I second that motion.

Mr. President: It has been moved and seconded that in line 3, we strike out the words "county and municipalities."

Mr. Jones of Maricopa: Mr. President, this bill simply means nothing.

Mr. Baker: I move to strike out the words, "counties and municipalities" and leave in the words "state works and employment."

Mr. President: Gentlemen, do you now understand the amendment?

Mr. Connelly: I do not think that there will ever be any trouble in the securing of American labor, for if there are wages sufficient to the needs there will be workmen. (applause) If there are offers of only $1.00 per day then you will need the cheap laborer, but if you will pay the citizen the right amount of wages you never need fear the scarcity of workmen.

Mr. President: Gentlemen, you have heard the amendment offered by Mr.Baker, to strike out the words "counties and municipalities." Those in favor of the motion answer aye; those opposed nay. The secretary will call the roll.

Roll call showed 20 ayes; and 25 nays.

Mr. President: The amendment is lost. Did the gentleman wish to make an amendment?

Mr. Cunniff: I am convinced that the gentleman from Cochise is right, and I withdraw the amendment I first mentioned.

Mr. President: I suggest that Mr. Bolan make the amendment suggested by Mr. Franklin "excepting Indians not taxed."

Mr. Bolan: I move that in the first line, after the word "persons," the words "Indians not taxed" be inserted.

Mr. Cunniff: I beg to say that amendment covers a class of people who are under government protection and are not citizens, and I think it is a useless provision.

Mr. Moeur: Half of the men pay no taxes and you cannot descriminate between working men [illegible] who do and who do not in this matter.

Mr. Webb: Mr. President, these Indians are government wards, and are provided for in every respect, and I am opposed to being placed on an equality with them. They are granted large portions of land or reservations and provided with livestock and I, myself, have driven thousands of head of cattle to them as a gift from the government, and they give them no care nor do these cattle profit them anything, where if they were the property of citizens they would increase the population ten fold, and just so with their land, they do not improve it, but make desert land out of that which the American citizen would make a garden, and when it comes to placing them on an equality with the American citizens, I am opposed to the measure.

Mr. President: What will you do with Proposition No. 48?

Mr. Bolan: I move the adoption of Proposition No. 48.

Mr. Cunniff: I second the motion.

Mr. President: Gentlemen, it has been moved and seconded that Proposition No. 48 be adopted.
Mr. Jones of Maricopa: I would call the attention of the members to the fact that this will prohibit officers of the penitentiary from making convicts work as they are no longer citizens of the United States. I think that the committee adopted the proviso that I made.
Mr. Short: I rise to a point of order, this is entirely out of the question.
Mr. Jones of Maricopa: Mr. President, I rise to a point of order. If my memory is correct, the proposition was read and passed yesterday.
Mr. President: The secretary will call the roll on the amendment.
Mr. Cassidy: Mr. President, I move the amendment that it include, after the word "citizens" the word "ward." That is purely class legislation and I am opposed to class legislation.
Mr. President: Those who are in favor of the amendment will say aye; those opposed no. The chair is in doubt. Those who favor the amendment will answer aye; those opposed nay, when the roll is called.
Roll call showed 25 ayes and 20 nays.
Mr. Franklin: I would just like to explain that I would have voted for this bill if it had not been amended, but since it was amended I voted no.
Mr. President: Gentlemen, the motion is carried. The question now comes: shall it be engrossed and have a third reading? Those in favor of it being engrossed and having a third reading will answer aye; those opposed nay. The ayes have it and it is so ordered.
Mr. President: Gentlemen, the question now comes up on the adoption of Proposition No. 76 as amended by the committee of the whole. Those in favor of adopting the proposition will answer aye; those opposed nay. The ayes have it and it is so ordered. Shall it be engrossed and have a third reading? Those in favor will answer aye; those opposed nay, when the roll is called.
Roll call showed 22 ayes and 25 nays.
Mr. President: The motion is lost. Shall Proposition No. 137 be adopted as amended?
Mr. Cunniff: I move that the proposition be referred to the committee on labor.
Mr. Cassidy: I second the motion.
Mr. President: It has been moved and seconded that Proposition No. 137 be referred to the committee on labor. Those in favor of the motion will answer aye; those opposed nay, as the roll is called.
Roll call showed 18 ayes and 27 nays.
Mr. President: The motion is lost.
Mr. Cunniff: I move this proposition be recommitted to the committee on labor.
Mr. Bolan: I second the motion.
The motion prevailed.
Mr. President: The committee of the whole. Gentlemen, we have some business for consideration by the committee of the whole, and if there is no objection the convention will now resolve itself into a committee of the whole, and the gentleman from Yavapai, Mr. Jones, will take the chair..
Mr. Chairman: The first before us is Proposition No. 106. The secretary will read the report of the committee.
Secretary: (reading) Your committee on public debt, revenue and taxation, begs leave to report it has examined Proposition No. 106 and respectfully recommends

that the proposition herewith submitted be substituted for Proposition No. 106, and that said substitute proposition be adopted.

(Signed) J. J. Keegan.

Mr. Chairman: You have heard the report, what is your pleasure? If there is no objection, gentlemen, the proposition will be considered paragraph by paragraph.

(Speech by Mr. Hunt omitted and sent to him)

Mr. Baker: I can understand now why some useless words were used in section 1 of the substitute proposition after listening to the reading of this gentleman's letter or statement. I refer to the words on line 3 of section 1 "the territorial limits of the authority levying the tax." I move to amend by striking out the above words and substitute in lieu thereof simply "the state."

Mr. Franklin: I second the motion.

Mr. Ellinwood: I would just like to ask the gentleman from Maricopa if these words would not be necessary in view of school districts and cities. All taxes are not levied for state purposes; some are for city purposes and some for school purposes. This is taken from the letter Mr. Hunt just read. If all the taxes were state taxes, the gentleman from Maricopa would be eminently correct, but we thought the words "the territorial limits of the authority levying the tax" were necessary.

Mr. Baker: I withdraw my amendment with the consent of my second.

Mr. Franklin: I agree to the withdrawal.

Mr. Ingraham: I would like to ask a question about the proposition. A considerable number of states are levying graduated income taxes and graduated inheritance taxes in which small incomes are excepted and small inheritances are excepted from the tax, and in which the very large incomes are taxed at a somewhat higher rate than the medium income, and I would like to ask if, in the opinion of the members, the second sentence does not prohibit such a tax. It states "all taxes shall be uniform on the same class of property.".

Mr. Ellinwood: As I understand it, the very purpose of this sentence is to give what the gentleman from Yuma so desires. It is the power of the state or city to make classification as provided by law. When the classification is made, then a tax may be laid on such class as it sees fit. It can make one class of incomes of $7,000, another of $10,000, and so on. Its very purpose is to accomplish what the gentleman from Yuma desires.

Mr. Ingraham: It does not seem to me the ordinary meaning of the words will allow of the classification of incomes of $5,000, in one class, another class of $50,000, and that seems straining the meaning of the words.

Mr. Hunt: Quoting from the Tax Review of the State of Kentucky, I will say that they have been trying to change their law now, and instead of having it that taxes shall be uniform on all classes of property, their amendment is that they shall be uniform on all property of the same class.

Mr. Cunniff: It seems to me the point of the gentleman from Yuma is well taken. If there are two interpretations of this phrase "same class" there seems a possibility that the court might decide with regard to the graduated income tax that incomes were all of the same class, and that a violation of this had been made, and I therefore want to offer an amendment at this point that the following words be added to this paragraph: "Provided that nothing in this section shall be construed as prohibiting the state to impose taxes on incomes graduated according to the amount of such income."

Mr. Orme: I would like to ask a question for information. Does not this first section prohibit the different boards of supervisors in different counties from levying different rates? Every county has a different rate, and I would like to ask if this does not prohibit that. It seems to me that it would.

Mr. Ingraham: In answer to the gentleman from Maricopa, Mr. Orme, it does not seem to me that it is the intention of this first paragraph to prevent the levying of a different rate in one county from that levied in another county. The very purpose of allowing a different rate is accomplished in the phrase which states that the taxes shall be uniform within the territorial limits of the authority levying the tax. Now the authority levying the tax in this case would be the board of supervisors.

Mr. Hunt: The gentleman from Yavapai has offered an amendment. I want to quote from the remarks of Mr. F. W. Taussig, of Harvard, "I beg to express my opinion in favor of the proposals made by the International Tax Association with regard to provisions on this topic in the constitution proposed for your state. Our experience in Massachusetts has been instructive. A hundred years ago hard and fast lines were laid down in our constitutions, probably suited to the conditions of theday. Those conditions are now outgrown, and we find ourselves hampered by antiquated restrictions. A simply and elastic constitutional provision, such as the tax association suggests, leaves the needed discretion to the legislature and permits accommodation to the changing needs of growing communities. I am sure you would find the weight of opinion among the economists and serious students of taxation throughout the country in favor of the proposed provision.

Mr. Cunniff: I would say I have the utmost confidence in everything Mr. Taussig says, but the question in my mind is that the court may occasionally interpret things different from the intent of those who formulated the law, and if the proposition means the same thing, let us say so in plain English, and therefore I offer this amendment.

Mr. Ellinwood: I think there is absolutely no harm whatever in the amendment of the gentleman from Yavapai, Mr. Cunniff. It simply says it shall be interpreted in a certain way. The provision is complete and definite without it, but there is no harm in putting it in.

Mr. Ingraham: I will make an amendment to that amendment by including "Inheritances" as well as incomes.

Mr. Tuthill: I second the amendment of the gentleman from Yavapai.

Mr. Cunniff: I accept the amendment.

Mr. Cassidy: I am opposed to this amendment for the reason that I think it is absolutely unnecessary. I think under the original wording that unquestionably the legislature will have the right to classify incomes and and inheritances and levy a graduated tax. I think this is unnecessary.

Mr. Parsons: As has been stated by the gentleman from Gila, Mr. Hunt, he has given us the opinion of the ablest experts on the economic question of taxation, and as a result of this we have this first paragraph. They provide all that is necessary in the most modern constitutions, and is a complete and elastic system, by which they can levy taxes, and the limitation necessary is that the taxes shall be uniform as to the same class within the territory of the taxing power.

Mr. Cunniff: I am satisfied with the proposition as it stands, but I am not satisfied the courts of Arizona will give the right interpretation.

Mr. Ingraham: It may be that the gentleman from Yavapai and I are exercising an abundance of precaution here, but this is a very important matter, and it seems to me in which an abundance of precaution should be exercised, and whether the courts would construe the classification of incomes according to size would be a reasonable classification is entirely conjectural. It would depend on the interest of the judge or his affiliation. It seems to me that leaving it in this way is a dangerous matter.

Mr. Chairman: The question is on the adoption of the amendment of the gentleman from Yavapai, Mr. Cunniff. All those in favor of the amendment will signify by answering aye; opposed no. The nays have it. Are there any other objections to paragraph 1?

(Speech by Mr. Jones of Maricopa omitted and sent to him)

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Morgan: I want to say the sheep men of Arizona are very glad to get off with a taxation of 80% of their value. I could not believe it when the assessor said "All you have to put in is 80 per cent."

Mr. Baker: My objection is this: We are now simply preparing a constitution, and I am fearful we are constantly forgetting the fact that we are limited to the preparation of a constitution. We are endeavoring all the time to legislate about the most intricate matters, and we resolve ourselves almost continually into a legislature. This general provision is proper, but I think if we are going to provide how to levy the assessment we have to go through the whole routine, and prepare another bill and put it in the constitution, whereas I believe we ought to leave it to the legislature. They will have the broad principles laid down in this section, and when they know all the facts the legislature can work out the system of levying the taxes. I say by all means make these railroads and corporations pay their full and just rate of taxation, but my objection is to legislating on this matter in the constitution.

Mr. Franklin: It impresses me that this paragraph is in an improper place. We are laying down a broad general system of taxation. If the proviso is inserted here as suggested, and it is held unconstitutional, it will be so closely interwoven with the principle that the whole will be declared unconstitutional. I am therefore, opposed to the proviso in this place, if I could support it at all.

Mr. Chairman: All those in favor of the amendment of Mr. Jones will signify by saying aye; all opposed no, as their names are called.

Roll call showed 18 ayes and 26 nays.

Mr. Chairman: The motion is lost. Are there any other alternations or amendments? If not, paragraph 1 will stand approved, as read.

Mr. Sims of Cochise: I wish to move an amendment to paragraph 2. On line 8 after the word "schools" insert the word "convents" and on line 9 after the word "libraries" insert "orphanages and Young Men's Christian Association buildings."

Mr. Parsons: I second the amendment.

Mr. Chairman: You have heard the amendment submitted by

the gentleman from Cochise, Mr. Sims. Are you ready for the questions?
(Speech by Mr. Morgan omitted and sent to him)
Mr. Baker: I move the committee arise and ask leave to sit again.
Mr. Parsons: I second the motion.
The motion prevailed.
The president resumed the chair.
Mr. President: The convention will come to order.
Mr. Jones of Yavapai: Mr. President. The committee of the whole begs leave to report progress and requests leave to sit again this afternoon.
Mr. President: Those in favor answer aye; all opposed no. The ayes have it.
Mr. Parsons: I move we take a recess to 2 o'clock.
Mr. Osborn: I second the motion.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. If there are no objections the convention will resolve itself into a committee of the whole. Mr. Jones of Yavapai will take the chair.
Mr. Chairman: The committee of the whole will come to order. We have under consideration the amendment of the gentleman from Cochise, Mr. Sims, to the second paragraph in line 8.
Mr. Connelly: I offer a further amendment: After Y.M.C.A. and Y.W.C.A. put W.C.T.U. and other Woman's clubs.
Mr. Chairman: Hearing no second to that amendment the vote will be on the original motion.
Mr. Hunt: I would like to ask for information of some of the gentlemen here in regard to the Y. M. C. A.'s. Don't they rent part of their buildings? Do they do that here in Phoenix?
Mr. Parsons: I dare say that is true that the Y. M. C. A. buildings do rent part of their rooms, but not for the purpose of profit but to help maintain the institution and thereby reduce the amount that they have to call upon the public for. The purpose and the sentiment expressed in the remarks to which reference was made by the gentleman from Gila in including or excepting institutions, it was those dependent upon public contributions for support and the Y. M. C. A. as well as the Y.W.C.A. is of that character, and where they rent rooms it is to simply reduce the amount for which they have to ask the public.
Mr. Weinberger: The amendment as it now reads includes Y.M.C.A. buildings, but what about the grounds connected with the buildings?
Mr. Parsons: We are perfectly willing to have added to it "and buildings, contents and grounds."
Mr. Weinberger: The point I was making is, you are including buildings but you are subjecting the grounds to taxation.
Mr. Baker: I think the gentleman from Gila is entirely mistaken. It reads "and lots together with buildings thereon used exclusively for religious worship; and lots together with buildings thereon with contents therein, used exclusively for parsonages, schools, academies, colleges, universities, libraries, hospitals or cemetaries, if not used or held for profit." If you write Y.M.C.A. after one of these words it would injure their lots as well as their buildings.
Mr. Roberts: Will the gentleman yield to a question?

Mr. Parsons: Certainly.

Mr. Roberts: I would like to know if the Y.M.C.A. in Douglas does not charge the players for the use of their billiard tables?

Mr. Parsons: They do charge to help pay the expenses of their institution but not for profit, and after that has been done there is the secretary and assistant secretary to carry on what I want to stand here and put myself on record as saying is an institution more beneficial to the general good of the community of Arizona than any other institution in it, not excepting any. The Y.M.C.A. advocates and administrates physical and moral cleanliness and gives the young people an opportunity for clean amusement and enjoyment, and I believe there is no one institution in the United States in the way of a moral institution that is more unsectarian,- that is more absolutely and purely an American institution than this Y.M.C.A., and while they do have pool tables and they do have billiard tables and they do have bowling alleys, they recognize that these are things simply for the amusement of the people and the charges that are made are always at least one-half that made anywhere else, in order to induce young men to go there instead of going to some places that are debasing.

Mr. Cunniff: In an attitude of hostility, I, at one time, made a thorough investigation of the Y.M.C.A. in its various departments, and in starting on that investigation in an attitude of hostility, I came to the conclusion that there was no educational institution of the kind we are trying to exempt here, that is in any degree more valuable than the Y. M. C. A. and Y. W. C. A. I think it is just as much of an educational institution as there is and fully as valuable, therefore, I shall support this amendment.

Mr. Chairman: Are you ready for the question? The question will be on the amendment of the gentleman from Cochise. All those in favor will signify by saying aye; contrary no. The amendment is to insert after the word "school, in line 8 the word, "convent"; after the word "libraries" in line 9 the words "orphanages, Y.M.C.A.'s and Y.W.C.A.'s". All those in favor will signify by saying aye; contrary no. The ayes seem to have it. The ayes have it. Now the question comes up on the adoption of the paragraph----

Mr. Franklin: I do not know but it seems to me it would be a little better in this second paragraph: "That there shall be exempted from taxation all federal, state, county and municipal property," the words following "and lots together with buildings thereon used exclusively for religious worship." and after the word "for" in line 8 insert the words "religious worship." Make it read: "There shall be exempted from taxation all federal, state, county and municipal property, and lots together with buildings thereon with contents therein used exclusively for religious worship, etc.," and I make the motion that the following words, "and lots together with buildings thereon used exclusively for religious worship" on lines 6 and 7 be stricken out, and after the word "for" on line 8 the words "religious worship" be inserted.

Mr. Cunniff: I second the motion.

Mr. Parsons: Mr. Chairman, the suggestion made by the gentleman from Gila, Mr. Weinberger: I think would call our attention to the fact if the amendment of the gentleman from Maricopa, Mr. Franklin, is adopted, then we might tax the lot on which the Y. M. C. A. and other buildings that are not mentioned here are located but not tax the buildings or contents, and I do not think that would be a reasonable proposition. If the buildings are to be immune from taxation I think the lots on which the buildings stand, the property within the building used for the purpose of the assocation should also be exempt, and I see no reason why we should strike out those words.

Mr. Chairman: Those are repeated there, one right after the other. That is the reason the gentleman wishes to cut them out.

Mr. Hunt: It says "for religious worship." If you strike out that on line 9 you could not tax churches, then.

Mr. Parsons: The balance of it is not particularly religious worship, and a whole lot of people do not think playing pool and rolling in a bowling alley is religious worship, and we want these people to have their property exempt as long as it is for a moral, evevating tendency. I do not think, we can worship all the time, and one of the best ways to worship is to work and play when you ought to work and play.

Mr. Franklin: I do not believe it would have any such meaning as Mr. Parsons indicates. As amended that section will read, "there shall be exempted from taxation all federal, state, county and municipal property and lots together with buildings thereon with contents therein used exclusively for religious worship." It might be construed as property of the state, county and municipality used for religious worship. I think we ought to cut that sentence out and say: "There shall be exempted from taxation all federal, state, county and municipal property, and lots together with buildings thereon with contents therein used exclusively for religious worship, for parsonages, schools, academies, universities, libraries, hospitals, or cemetaries, if not used or held for profit."

Mr. Parsons: I did not hear that you had your "religious worship" in down below.

Mr. Chairman: That was what I was trying to explain to you. You make that a motion, do you, Mr. Franklin?

Mr. Webb: I second the motion.

Mr. Morgan: I would like to ask for information. What is done at the Young Men's Christian Association? There has been a building built right here in the city of Phoenix, costing thousands of dollars, and I would like some member to inform me what is carried on in that building. There has been a new building put up here and I want a little information as to what is done at that Y.M.C.A., if any member will give me the information.

(Speech of Mr. Parsons omitted and sent to him)

Mr. Morgan: I do not think that this morning I mentioned Young Men's Christian Association, which the gentleman from Cochise says I am against.

Mr. Parsons: I beg the gentleman's pardon. It is not what he said against it, but what I highly commiserate is that he has not learned anything about it.

Mr. Morgan: I want to ask if it is not a fact in most Young Men's Christian Associations buildings like this that is proposed to exempt from taxation, that it is a fact that they have swimming pools there and all that kind of thing--that they have a gymnasium there, and everybody has free access to the gymnasium. I want to ask if a man who did not believe in Christianity would have access to that.

Mr. Parsons: I take great pleasure in saying that no religious test is applied to membership. Any man can use the boxing gloves, and use the swimming pool, and use the gymnasium, without any question as to whether he be Jew, Gentile, or whether he has any religious views or not. He does not have to comply with any of these provisions. It is absolutely open to every man who will be decent, lawabiding citizen.
Mr. Morgan: If churches are exempt, Young Men's Christian Association buildings and all that is necessary thereto certainly ought to be exempt. (applause)
Mr. Chairman: I will state for the benefit of the gentleman from Navajo that the convention has adopted the amendment inserting Y.M.C.A.'s and Y.W.C.A.'s in the clause of the second paragraph of this proposition, and the question now is on the adoption of the whole paragraph.
Mr. Morgan: I understand the proposition thoroughly, and my idea in talking is that if I cannot cut out the whole thing to cut out that much. If Mr. Jefferies was to start an institution in the city of Phoenix, for instance, where there was boxing--if some of the windjammers and hot air merchants will give me from thirty to fifty minutes, it is all the time I am going to take up. I think these gentlemen have done a lot of my work that I am not capable of doing at all and I thank them for it. If Mr. Jefferies or Mr. Johnson started a gymnasium in the city of Phoenix, with boxing, where you could swing the dumb bells and Indian clubs, their institution would certainly be taxed.
Mr. Parsons: It would be for profit.
Mr. Morgan: But I want to ask the gentleman from Cochise what the Y.M.C.A. outside of that does for anybody?
Mr. Parsons: I want to say that it does all that any institution I know of that is the result of combined mental efforts of the reformers of the whole civilized world--I won't limit it to the United States,-but the combined intelligence of the civilized world has been able to devise in a way of an institution that is free from all of the objections of sectarianism, of creed, of anything that is tinctured in that way,- furnishes to the people just such an institution as it is, - one that tends toward the upbuilding and betterment of not only the rising gneration but the entire people.
Mr. Morgan: The very name of this institution, the name Young Men's Christian Association,- nobody but the Christian need enter here.
Mr. Parsons: Mr. Chairman, I want to say that no Jew or member of any other religious body outside of the Christian has ever been denied admission to a Y.M.C.A. because of the fact that he did not belong to the Christian religion, but I want to say to you that this is the reason it is world-wide. That is why it is greater than any church organization on top of God's green earth.
(Speech by Mr. Goldwater omitted and sent to him)
Mr. Jones of Maricopa: I will second the motion, Mr. Chairman, and support it for the reason that I concur in all that Mr. Parsons and everybody has said with respect to encouraging these institutions, and I particularly support it because you cannot in this constitution make a provision broad enough to cover all of the institutions that should be exempt. We have left out institutions that should be included, and I think the enumeration of these different institutions is legislative, and that the gentleman from Yavapai's amendment will cover all of them.
Mr. Parsons: Mr. Chairman, now I want to object, and in

reply to the gentleman from Maricopa say that the objection that has been made here to require legislative action to determine all these things applies to this amendment as well as to the others that have been made here, and we have mentioned certain things that we want exempted from taxation. There is not any law that I know of that prevents any of these gentlemen who say there are other things that should be exempted from mentioning them. I want to reply to the gentleman from Yavapai when he says these institutions make money and their money is sent away. I don't know about it, but if I were a gambling man I would bet my last dollar that there is not a Young Men's Christian Association in the town in which he lives, because I know from the looks of him that if there had been any they would have called on him. The law does not say those that make profit but those that are conducted for profit--for the purpose of making profit. They are not conducted for that purpose. They are conducted for the purpose, just as the churches are conducted, for the purpose of improving the people of the world.

Mr. Morgan: In reply to the gentleman from Cochise, I want to say that in my humble opinion the appearance of the gentleman from Yavapai county compares favorably with the appearance of any gentleman in this territory.

Mr. Parsons: That is just why I made my remark. He has one of the most generous faces.

Mr. Ellinwood: I do not want to enter into the discussion of the merits of the case at all, but I would refer the members to lines 16, 17 and 18 in connection with this amendment. "All property in the state not exempt under the laws of the United States or under this constitution shall be subject to taxation to be ascertained as provided by law." If you pass this amendment leaving it to the legislature to exempt religious and charitable institutions, then you also leave to the legislature the exemption of all other property. If you leave the exemption at all you leave to them the right to exempt railroads and other property, unless you specifically mention it here and then shut the door so no other property shall be exempted.

Mr. Goldwater: I am willing to let it go that way.

Mr. Chairman: Does the gentleman from Yavapai withdraw his amendment?

Mr. Goldwater: , No.

Mr. Franklin: I have held in abeyance during the discussion and I have been enlightened on the subject a good deal, but I will call the attention of the chair to the fact that I moved a while ago that on line 6 the words "and lots together with buildings thereon used exclusively for religious worship" be stricken out, and that on line 8 after the word "exclusively" insert the words "for religious worship."

Mr. Chairman: The question comes up on the motion of the gentleman from Yavapai as an amendment to the motion of the gentleman from Maricopa.

Mr. Goldwater: I was not offering any amendment to the motion of the gentleman from Maricopa. If the gentleman from Maricopa wants his motion put I have no objection. My motion is not an amendment to his. After his motion has been adopted I will make mine.

Mr. Franklin: I would suggest that they be put that way.

Mr. Chairman: The question now is on the motion of the gentleman from Maricopa, Mr. Franklin, to strike out on line 6 after the word "property" the balance of that line on line 7 up to and including the word "worship". All those in favor of that amendment will signify by saying aye; opposed no. The ayes have it and it is so ordered. The secretary will take a record of it.

Mr. Baker: Mr. Chairman, I offer an amendment---

Mr. Chairman: The chair will rule that the gentleman from Yavapai's motion will have preference. The question is on the motion of the gentleman from Yavapai, Mr. Goldwater. You have heard the motion. All those in favor will signify by saying aye; contrary no. The nays seem to have it; the nays have it.

Mr. Baker: I now offer an amendment to this section by striking out on line 9 commencing with the word "if" the words "if not used or held for profit." To strike out those words in lines 9 and 10 and insert in lieu thereof these words "not used or held solely for private or corporate profit." That makes it clearer.

Mr. Parsons: I second the motion.

Mr. Chairman: Are you ready for the question? All those in favor will signify by saying aye; opposed no. The ayes appear to have it and the ayes have it; so ordered. Any other objections? If not, paragraph 2 will stand as read and so ordered. We will now consider Paragraph 3.

Mr. Ingraham: I understand that the words "Young Men's Christian Association and Young Women's Christian Association" were inserted in line 9. Does that mean that the association is exempt from taxation?

Mr. Chairman: The Y.M.C.A. and Y.W.C.A. buildings, is the way I have it in the amendment.

Mr. Parsons: Mr. Chairman, as I understood the paragraph it says: "and lots together with buildings thereon used exclusively for parsonages, schools, convents, academies, colleges, universities, libraries, orphanages, Young Men's Christian Associations, and Young Women's Christian Associations." It is the buildings, lots and contents used exclusively for that purpose.

Mr. Morgan: If I join a Young Men's Christian Association and I go there in the week and box fifteen minutes and I swing dumb bells fifteen minutes and I take a bath in their tank, I am willing to pay the money to cover that expense, and that is the principal reason why they attract the young men of the United States. If I go there I am willing to pay a certain sum per week or per month or per day for that privilege of getting the advantage of it, and I do not think it ought to be exempt from taxation.

Mr. Chairman: I will put paragraph 2 before the house and take a vote on it. All those in favor of the adoption of paragraph 2 as amended will signify by saying aye; contrary no. The ayes have it and it is so ordered. Paragraph 3 is next.

Mr. Parsons: I move it be passed.

Mr. Baker: I second the motion.

Mr. Chairman: If there is no objection paragraph 3 will stand as read, and it is so ordered. What will you do with Paragraph 4?

Mr. Franklin: Mr. Chairman, I move an amendment to paragraph 4. On line 14 after the word "widow" insert the words "residents of this state" so it will read: "The legislature may exempt from taxation the property of widows residents of this state not exceeding the amount of one thousand dollars where the total assessment of such widow does not exceed two thousand dollars.

Mr. Parsons: I desire to amend the amendment offered by the gentleman from Maricopa by adding after the word "widows" or deserted wives," in support of my motion I want to say that it is not because I am an old widower fifty-nine years of age that I think I might catch one of these deserted wives, but in my community there are a number of wives quite as bad off as God's widows.

Mr. Chairman: Does the gentleman from Maricopa accept the amendment?

Mr. Franklin: No sir.

Mr. Winsor: I rise to a point of information. I would like to ask the gentleman from Maricopa who proposed this amendment if it would not be in conflict with the fifth paragraph.

Mr. Chairman: The gentleman from Yuma is out of order. The question before the house is on the amendment of the gentleman from Cochise.

Mr. Winsor: I renew my request for information. I would like to know if the gentleman does not think this would be in conflict with the fifth paragraph of our ordinance irrevocable which states: "that the lands and other property belonging to citizens of the United States residents without the said state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof." He is excluding from the benefits of this tax exemption widows residing out of the state.

Mr. Franklin: I think there is a very clear distinction. That section of the law is the power to tax. This is a matter of exemption. The policy of exemption is for the purpose of exempting that property of residents in this territory whom we think deserving. It does not come in the purview of that power mentioned in paragraph 5. That says the power to tax; this is an exemption.

Mr. Bolan: I move that you strike out all of paragraph 4, because it is a legislative matter. There has been quite a little argument in regard to questions that have come before us of allowing a matter to be put in this constitution that is a legislative matter, and I would like to ask some of the gentlemen that have got up here on the floor of this convention and argued against legislative matters, what is there in this paragraph that is not a legislative matter, and if we put it in here what good will it do. The legislature will simply do as they choose about it, consequently I move that the entire paragraph be stricken out.

Mr. Roberts: I second the motion.

Mr. Baker: I would like to state my view to the gentleman from Cochise. If you strike out this clause giving the legislature the power to exempt the property of the widows, then you would not have the power at all to exempt it. They could not act all because your constitution provides that all property in the state not exempted under the laws of the United States or under this constitution shall be subject to taxation as provided by law, so it would be subject to taxation; it would be bound to be taxed.

Mr. Chairman: You have heard the motion of the gentleman from Cochise. Are you ready for the question? All those in favor of the motion---

Mr. Roberts: I desire to amend the motion to include the first three lines of paragraph 4.

Mr. Parsons: I second the motion.

Mr. Franklin: May I rise in answer to the gentleman from Cochise and ask a question for information? Is it your desire, Mr. Bolan, to prevent the legislature entirely from exempting the property of widows from taxation?

Mr. Bolan: No sir, it is not.

Mr. Franklin: This amendment will do it.

Mr. Bolan: I will withdraw it then.

Mr. Ingraham: I would like to ask if under the three lines of section 4 the property could not be exempted by the legislature anyway?

Mr. Parsons: Not unless exempted under this constitution.

Mr. Ingraham: The question in the last three lines of paragraph 4 is that "all property in the state not exempt under the laws of the United States or under this constitution shall be subject to taxation to be ascertained as provided by law." The questions are certainly contradictory.

Mr. Chairman: The question before the house is on the amendment of the gentleman from Maricopa, Mr. Franklin, to insert in line 14 after the word "widows" residents of this state." Are you ready for the question?

Mr. Orme: Before the legislature four years ago rich women could come to this territory and buy two or three thousand dollars worth of property, and we had no way of taxing their other property, and they were exempt. The legislature four years ago passed an act making it apply to residents of this territory. Before that there was a great deal of property exempt owned by non-residents that was not taxed.

Mr. Chairman: Are you ready for the question?

Mr. Parsons: I want to call the attention of the committee to the language of the proposition, substitute proposition No. 19, referred to by the gentleman from Yuma, and it seems to me this will be in violation of it. On lines 15, 16 and 17 that proposition says: "the lands and other property belonging to citizens of the United States residents without the said state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof." Now, if a widow living out of this state has to pay taxes on all her property herein and the widow living within this state may have exempted one thousand dollars worth of property, are we not violating the provisions of this ordinance? Isn't the property of the widow living outside of the state taxed higher than the property of the widow living within the state? If she has two thousand dollars worth of property, doesn't she get off with paying taxes on one thousand dollars under this provision? Then the provision does not mean anything if she does not.

Mr. Orme: A widow, a resident of this state, has to make an oath that it is all the property she has. A widow outside the state makes no such oath. She can be worth fifty thousand dollars out of the state and have two thousand in the state and be exempt unless you put this provision in.

Mr. Franklin: Mr. Chairman, we have a provision similar to the provision in the enabling act providing that the property of non-residents shall not be taxed higher than that of residents, and we have this exemption statute allowing widows exemption, We think the power to tax is not like the power to exempt.

Mr. Chairman: The question is on the amendment offered by the gentleman from Maricopa, Mr. Franklin, in line 14 to insert after the word "widows" the words "residents of this state." All those in favor will signify by saying aye; opposed no. The ayes have it; so ordered.

Mr. Parsons: I desire to offer a further amendment to paragraph 4, that after the word "dollars" at the end of line 15 that there be inserted this provision: "All heads of families residing within the state not owning real estate and owning personal property mnot exceeding five hundred dollars shall be exempt."

Mr. Chairman: Will the gentleman please send that up in writing.

Mr. Parsons: That is section 2 of Proposition No. 65 that I have already introduced. I desire to say in support of this amendment----

Mr. Chairman: I have heard no second tothat amendment.

Mr. Cunniff: We adopted an amendment that added to the end of paragraph 2 "if not used or held solely for private or corporate profit." That means that we may exempt a school, for example, or a business college, which is maintained chiefly for profit, but in which might be established one department which was not conducted for profit, and it would be exempt under the constitution by the use of that word solely, and I am utterly unwilling to vote for a proposition that exempts from taxation institutions of this kind unless they are not maintained for private or corporate profit. I want to come under taxation those that are maintained for private or corporate profit, and therefore I moe that the word "solely" be stricken from paragraph 2 as amended.

Mr. Feeney: I second that motion.

Mr. Morgan: It strikes me that it is strange you do not exempt a man who is workkng for thirty or forty dollars a month with a family of seven or eight children. Not a word about the poor man.

Mr. Chairman: It will take unanimous consent to refer back to paragraph 2. If there is no objection we will refer back to paragraph 2, and take upthe amendment of the gentleman from Yavapai, Mr. Cunniff, to strike out the word "solely". All those in favor will signify by saying aye; opposed no. The ayes have it; so ordered.

Mr. Wood: Mr.Chairman, in the fourth paragraph, in line 13, I move that the words "legislature may" be stricken out and in their place be inserted "there shall be," making it read: "there shall be exempt from taxation."

Mr. Ellinwood: I second the motion.

Mr. Chairman: You have heard the motion of the gentleman from Yavapai that the first three words of paragraph 4 be stricken out and the words "there shall be" inserted in lieu thereof. All those in favor signify by saying aye; those opposed no. The ayes have it, and it is so ordered.

Mr. Cunniff: On line 14 and 15 I move that the word "one" be stricken out on line 14 and the word "two" be put in its place, and in line 15, the word "two" be stricken out and the word "four" be substituted.

Mr. Coker: I second the motion.

Mr. Chairman: It has been moved and seconded that in line 14 the word "one" be stricken out and the word "two" be inserted in its place, and in line 15 the word "two" be stricken out and the word "four" be inserted in its place.

Mr. Jones of Maricopa: Mr. Chairman, I want to remind the gentleman that under the established plan of assessment we are already exempting six thousand dollars worth of property by this two thousand provision, or approximately so, and I think we have got it up high enough.

Mr. Connelly: I think that one thousand dollars is enough, and Mr. Bolan says that any widow that has four thousand dollars worth of property need not be a widow. (laughter)

Mr. Chairman: All those in favor will answer aye; as their names are called, those opposed willanswer no. The secretary will call the roll.

Roll call showed 10 ayes and 32 nays.

Mr. Chairman: The motion is lost. If there are no further amendments or objections paragraph 4 will stand approved as amended. It is so ordered. If there are no objections or amendments to paragraph 5 it will stand approved as read. If there are no objections or alteration to paragraph 6 it will stand approved as read.

Mr. Cunniff: Mr. Chairman, there is one error in that paragraph, but it can be corrected by the committee on style, revision and compilation.

Mr. Weinberger: Mr. Chairman, what kind of money is that? There are several kinds of money, but if this is United States money it should say so.

Mr. Franklin: Mr. Chairman, I would like to ask a member of the committee which drafted this paragraph to explain it.

Mr. Ellinwood: This paragraph is found in most all of the state constitutions, and it provides that all taxes shall be paid in money, United States coin, and not state warrants.

Mr. Parsons: I move you that this paragraph be adopted.

Mr. Chairman: If there are no objections this paragraph will stand approved as read. We will pass to paragraph 7. Are there any alterations or corrections? Hearing none the paragraph stands approved as read. What will you do with the next paragraph?

Mr. Cunniff: Mr. Chairman, I move that in line 17, the word "acts of the legislature," be stricken out and the word "laws" be inserted.

Mr. Wood: I second the motion.

The motion prevailed.

Mr. Ellinwood: The committee first thought of leaving the space blank for the committee of the whole to fill in, then it was reconsidered and we filled it by the sum of $250,000 but it is subject to the will of the members now if they wish to change the sum.

Mr. Franklin: If any member can give us information upon this question, I would like to hear it, as I am not certain as to theamount needed.

Mr. Ellinwood: Mr. Chairman, I think that Mr. Wood can give us some light upon the subject.

Mr. Chairman: Will the gentleman from Yavapai, Mr. Wood, give the desired information?

Mr. Wood: I have looked over the records of Ohio and other states and I find that they have appropriated the amount of $750,000 but in the case of Arizona, I would say that I think the sum here given is sufficient, but I am willing to leave it to the members of the convention to fix the amount of or change the amount here as they may think best. I figure that the amount given here is quite sufficient.

Mr. Parsons: For instance, would the committee explain what "casual deficits or failures in revenues?" Does this specify an extra-ordinary annual expenditure? I would like information on this subject.

Mr. Ellinwood: Yes, this has reference to temporary deficits of annual expenditures that might occur at the end of each fiscal year.

Mr. Chairman: Are there any other corrections?

Mr. Cunniff: Has any gentleman here any figures on Wyoming, Utah or some of the western states?

Mr. Franklin: If I remember right most of the western states have the amount fixed at $200,000. I move you that we strike out the words "and fifty" in line 18 and retain the words "Two Hundred Thousand."

Mr. Cassidy: I second the motion.

The motion prevailed.

Mr. Chairman: Are there any other alterations or corrections? Hearing none the paragraph will stand approved as amended.

We will take up the next paragraph.
Mr. Cunniff: Mr. Chairman, I move you that the first four wors in line 22 be stricken out, and that after the word "villages" insert the words "may be vested by law." And I further move that the word "a" be stricken out so it reads as follows: The corporate authority of cities, towns and villages may be vested by law, with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested withauthority to assess and collect taxes and such taxes shall be uniform upon the same class of property within the jurisdiction of the body levying the same."
Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Franklin: Mr. Chairman, I notice in paragraph 1 the words, "all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, etc.," and in this paragraph just read and amended we have the same wording with the exception of the words "jurisdiction and territorial limits." I move you that the word "territorial" be stricken out and the words "Within the territorial limits"be used.
Mr. Lynch: I cannot see that the gentleman's point is well taken as the first section provides that the taxes shall be uniform within certain sections. I hold that the words employed here are correct. One is taxed within limits and the other is authority within jurisdiction."
Mr. Cunniff: That clause at the endof the section reads "and such taxes shall be uniform, etc." It seems to me that there is no use of these words being retained as this is only a repetition of paragraph 1, and I move to strike out the last clause, after the first word "taxes", line 1, page 4.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Franklin: This is inadequate and should not stand in that way. In the first paragraph as is seen there is a general scheme, and now coming down to this point I think that this should particularize and I would like to have the same wording occur here as in paragraph 1: "All taxes shall be uniform upon the same class of property, within the territorial limits of the authority."
Mr. Cunniff: I withdraw my second.
Mr. Franklin: I think that should hold.
Mr. Chairman: The gentleman has withdrawn his second.
Mr. Goldwater: I would say that I think there should be an amendment to the next paragraph.
Mr. Chairman: Are there any other alterations or corrections? If not the paragraph will stand approved as read. We will proceed to the next paragraph.
Mr. Baker: On line 3 of this paragraph before the words "The legislature" I move to insert the words "In addition to the above limited powers to contract debts, the legislature may borrow money, etc."
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Chairman: If there are no objections, alterations or corrections the paragraph will stand approved as amended. We will take up the next paragraph.
Mr. Goldwater: I move to correct line 9, by striking out the word "the" after the word "nor" and inserting the word "any" instead.
Mr. Chairman: If there are no objections the correction

will be made and if there are no other corrections the paragraph will stand approved as amended. Hearing none it stands approved. What is your pleasure with the next paragraph?

Mr. Cassidy: I move to amend line 20, by supplying the words "qualified voters."

Mr. Cunniff: I second the motion, Mr. Chairman, I ask unanimous consent of the committee to change the words "voters" to electors."

Mr. Chairman: If there are no objections the correction will be made.

Mr. Parsons: In line 24, I think the incorporated towns should have the same rights as cities, and the word "towns" should be inserted.

Mr. Cunniff: I call the attention of the gentleman from Cochise to line 25 in which there is the same error, and in line 4, page 5, the word "or" should be supplied in place of "and."

Mr. Parsons: I accept the suggestion and offer this as an amendment.

Mr. Keegan: I second the motion.

The motion prevailed.

Mr. Chairman: What will you do with the next paragraph? Are there any alterations or corrections. Hearing none, the paragraph will stand approved as read. Pass to the next paragraph.

Mr. Franklin: This paragraph is not plain as it does not designate that railroads are private corporations. I think that the words "public service or private corporations" should be inserted, and also move that in line 11, you strike out the word "other."

Mr. Parsons: I move to amend it further by using the words "or any public service or private corporation," and striking out the words "railroads or other."

Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Cochise, are you ready for the question? Those in favor of the motion answer aye; those opposed nay. The ayes have it and it is so ordered.

Mr. Keegan: In the next section the blanks should be filled and I move we pass that up to the convention.

Mr. Chairman: Are there any objections or corrections? We have not come to that yet. We will now consider the next paragraph.

Mr. Winsor: I ask that a correction on line 20 be made to the effect that after the word "board" the letter "s" be added.

Mr. Chairman: If there are no objections the correction will be made. It is now open for the committee to fill in the blanks.

Mr. Ellinwood: Our board of equalization at the present time is appointed by the governor, one from each of the judicial districts of the territory, and whether this rule will obtain with the committee I am unable to say. It is subject to the will of the convention.

Mr. Winsor: Mr. Chairman, I move that this board be composed of the chairman of the board of supervisors of each county and would just state by this method the board would represent every county.

Mr. Baker: I move to amend that motion by filling in the blanks as follows: "The board shall consist of the governor, the secretary of the state, state treasurer and attorney general."

Mr. Lynch: I second the motion.

Mr. Ellinwood: I believe I prefer to support the motion of the gentleman from Yuma, as the chairman of the various boards of supervisors would make it more general and give representation from each county. The motion as given by Judge Baker is the exact copy of the Colorado law.

Mr. Baker: I took this from the Montana.

Mr. Ellinwood: I would much prefer the present system of one from each of the judicial districts of the territory, but I still think that the motion of the gentleman from Yuma is best.

Mr. Cassidy: It seems to me that it would be well to add the chairman of the corporation commission to Judge Baker's motion. I think there should be five members instead of four. I offer this as an amendment, and I move that the original motion of Judge Baker be amended to include the chairman of the corporation commission, if the amendment is in order.

Mr. Chairman: The amendment is in order.

Mr. Cunniff; I second the amendment.

Mr. Baker: Mr. Chairman, there is no such officer at the present time, and none provided for that I know of.

Mr. Cunniff: Did we not adopt a measure a few days ago that was on the same principle as this one, in the matter of supreme judges? Now, if we know that we are to create such offices as the corporation commissioners, it seems to me we would be safe in naming the chairman as a member of the state board of equalization.

Mr. Winsor: As this question seems to be up for discussion I would say that there has never been any such a thing as equalization of taxes under the present system, and I think this is a matter that should have the voice or representation of all of the counties. The motion, if carried, as made by the gentleman from Maricopa, will give the whole board to Maricopa county, and by this method you have no assurance of a representative board. For this reason I am very much opposed to naming a board that does not represent the people, for I cannot see anything that would tend toward equalization unless it is the voice of the people ofthe state. Each county has its own peculiar interests, and which are better understood by their board than anyone else, and for this reason I think that the members of the board should be representatives of the counties.

Mr. Baker: The proposition has not been passed upon entirely. As to the statement by the gentleman from Yuma, I would say that we do not know whether it would be Maricopa county or what county would be represented in the named officers, but I think that whoever they are they will be most qualified to take care of that matter.

Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Yuma, and second the motion that this board be of state representation.

Mr. Chairman: Gentlemen, are you ready for the question? The question is on the motion to insert the word "chairman of the corporation commission." Those in favor answer aye; those opposed nay. The chair is in doubt. The members will not vote by rising.

Rising vote showed 18 in favor of and 20 against.

Mr. Cunniff: Mr. Chairman, that motion was lost by the gentleman from the reservation.

Mr. Chairman: The most was lost. The question will now come up on the original motion. Those in favor of the motion of the gentleman from Maricopa will answer aye; those opposed nay. The chair is in doubt. You will please rise for the vote.

Rising vote showed 22 in favor and 15 against.

Mr. Chairman: The motion is carried.
Mr. Weinberger: I move the adoption of the entire section.
Mr. Chairman: Those in favor of adopting the section as it now reads will answer aye; those opposed nay. Call the roll.
Roll call showed 25 ayes and 15 nays.
Mr. Chairman: The motion is carried.
Mr. Ingraham: I move that the following paragraph be added: "The law-making power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and seccession taxes; also stamp, registration, production or other specific taxes."
Mr. Cunningham: I second that motion.
Mr. Ingraham: Mr. Chairman, I would just like to state that this was taken from the constitution of Oklahoma, page 50.
Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Yuma. All those in favor of the motion will say aye; those opposed nay. The ayes have it and it is so ordered.
Mr. Hunt: I move that when the committee arises it recommend this substitute Proposition No. 106 do pass as amended.
Mr. Keegan: I second that motion.
The motion prevailed.
Mr. Weinberger: Mr. Chairman, I move that the committee do now arise.
Mr. Baker: I second that motion.
The motion was lost.
Mr. Chairman: The secretary will proceed to read the next order of business.
Secretary: (reading) Report of committee on public debt, revenue and taxation on Proposition No. 56 together with minority report.
Mr. Webb: I move that when the committee arises that this proposition be indefinitely postponed by recommendation of the committee.
Mr. Ellinwood: Mr. Chairman, I move to amend by moving the adoption of the minority report.
Mr. Tovrea: I second that motion.
Mr. Chairman: Gentlemen, you have heard the motion that when the committee do arise that it adopt the minority report. Are you ready for the question?
Mr. Cunniff: I move to amend the proposition as follows: strike out that portion of Proposition No. 56 after the word "proposed", and insert in lieu thereof the following: "The state shall never levy any poll tax for county or state road purpose."
Mr. Ellinwood: I have no objection whatever to the amendment of the gentleman from Yavapai, Mr. Cunniff, and I would like to speak of the proposition just a minute. I think the property of the territory or state ought to bear the burden of taxation. The property of this territory is held very largely by the corporations, especially railroads and the large mining companies. I think this burden of keeping up the roads ought to be on the corporations, who own the property, and not on the individuals, and I am opposed to a tax for road purposes. If you will go into the mining communities-- it is different in the agricultural communities -- you will find that the men working the mines seldom have occasion to use the roads. They pay their street tax and go into the mine and return at night, and

never use the county or state road. Does it not seem improper and unjust that the burden should be on the individual who never uses it?

Mr. Webb: While it may possibly be true that there are miners in the territory of Arizona who rarely or never use the roads, it is true that the work which is furnished them depends on roads, and good roads. The development of all resources of the state is dependent upon good roads, and even a fine prospect cannot be developed without a good road so one can go to look at it. I think the miner receives more good from roads than any other class of men, and it is also true that the miner receives a greater remuneration for his labor than any other class of laborers in this territory. I think it is not a hardship - I think the best interests of the state depend on this tax being levied.

Mr. Connelly: I believe this is a tax on a great many people on whom it should not rest. Take my own vocation, railroading. I do not see where we get any benefit from a good toad, but we are taxed just the same. I do not see that anybody but the corporation, and the man who owns the land should build the roads. I do not think it is fair to levy a poll tax - it is taxation without representation. You tax every man whether he receives any good from the road or not.

Mr. Cunniff: If it is true that the miners receive more than other industrial workers, I want to say that they earn every cent of it, and then some, and it is unjust to deduct road taxes from their hard-earned wages. Take for instance in my own case, I have to deduct from the wages of my miners, a county road tax, when the only road the miners ever use is a road we built.

Mr. Ingraham: I am glad to find that for once I am in agreement with the gentleman from Cochise, Mr. Ellinwood; I should be opposed to the collection of the entire expenses of the state by a capitation or a head tax. I believe such a proposition would be absolutely unjust, and if that be true I cannot see why the collection of a part of the expenses of the state is not in principle just as unjust.

Mr. Webb: I would like to ask the gentleman whether it is fair that these transients who come into the territory (and a great many of the miners are transients) should be able to earn $5.00 or $6,00 a day and not pay a single cent of taxes, but send it to Russia, or some other foreign country.

Mr. Ingraham: The question is a question of principle as to how taxes should be levied, and I would say in regard to this implication that the miners draw high wages, and it is demonstrable that these men earn more than they get; otherwise they would not be working here. It is also demonstrable thatevery cent of taxes paid into this territory comes out of the wages of men. The only men who can pay the taxes are those who get out and rustle. You cannot get blood out of a turnip, not out of a man who does not get out and work. This man who works for $5.00 a day and whom the gentlemen say does not pay any taxes--he and the others who work in this territory pay all the taxes of the territory. (applause)

Mr. Sims: I just want to state that since I have been in Cochise county, I believe there has been enough money collected to pave the streets, and I think the roads are in no better condition. I believe the miners and railroad men would the last to kick if the money was judiciously spent, or if it were spent for education or school funds, it would be all right.

Mr. Ellinwood: Under the statute the corporations are required to hold out the taxes of their employee's wages, as has been stated. The result of that is that the only tax collected, at least in our county, is from the miners. The tax collector gets 12½ cents out of $2.50, and therefore he makes a demand on the corporation and they take the same and pay it over to him and he takes out his 12½ cents. Now in order to collect the road tax from the farmer and the individual, the assessor would have to go to each man throughout the county, which he could not afford to do for his 12½ cents on $2.00. The result, as far as Cochise county is concerned, is that almost the whole tax is from the miners.

Mr. Webb: In answer to the gentleman from Cochise that it is easier to collect taxes from the miners than from the farmers, I want to reply that if he will stop to think he will see that it is very much easier to collect from the farmer than the man working for the corporation. If the farmer does not pay the tax is a lien on his property and must be paid when he pays the property tax.

Mr. Wells: I would like to ask if this taxation for road purposes is an addition to the school tax. It is my motion that one taxation is sufficient.

Mr. Lynch: I want to give one specific instance. Take the road from Morenci to Clifton. That is difficult to keep up, and it must necessarily be kept up by the Arizona Copper Company and the other by the Detroit Copper Company. For vegetables in the Company store you have to pay not less than 6, 8 or even 20 cents a pound when in season. The farmer coming into the town over the road can sell them for 2 or 3 cents a pound. Cut out your poll tax and your road goes down, not because you cannot, but because you will not raise the money in any other way. At present you will see dozens of wagons laden with farm produce going into town, but I can readily see the two stores would not object to doing away with the poll tax for this road, this giving them almost a monopoly. If the method is wrong, let us remedy the method, but let us keep the tax.

Mr. Ellinwood: In answer to the gentleman from Graham, I understand the mining companies pay 70 cents on every dollar collected for taxes in that county. If that is true, my idea is to let these very companies pay these taxes, and thus you will collect from the Arizona Copper Company, the Shannon Copper Company, the Detroit Copper Company and the railroads $1.40 of every $2.00 of the tax. That is we are taxing the people who are working the industry, and not the man who is earning his bread by the sweat of his brow.

Mr. Franklin: It does not seem to me that this is an essential part of this constitution. It is a question of policy. We all say we just must have some tax to keep us the roads. It is a question of policy whether the man or the property shall pay, and I therefore would be in favor of leaving it to the legislature.

Mr. Chairman: The question is on the amendment of the gentleman from Yavapai: "The state shall not levy any poll tax for county or state roads." All those in favor of the amendment will signify by saying aye, when their names are called; those opposed no. The secretary will call the roll.

Roll call showed 9 ayes and 30 nays.

Mr. Chairman: The motion is lost. The question comes up on the adoption of the minority report, recommending that proposition No. 56 do pass. All those in favor of the adoption of the minority report will signify by saying

aye, as their names are called. Those opposed no.
Roll call showed 12 ayes and 28 nays.
ir. Chairman: The motion is lost. The question will come on the adoption of the majority report, recommending the indefinite postponement of Proposition No. 56. All in favor of such indefinite postponement will signify by saying aye; opposed nay. The ayes have it and it is so ordered. We have under consideration Proposition No. 126, what is your pleasure, gentlemen?
The secretary will read the report of the committee.

Secretary: (reading) Report of committee on public debt, revenue and taxation recommending that further consideration of Proposition No. 126 be postponed, for the reason that same is incorporated in Proposition No. 106."

ir. Jones of Maricopa: I move the adoption of the report.
ir. Parsons: I second the motion.
The motion prevailed.
ir. Jones of Maricopa: On account of the necessity of a committee meeting or two yet this evening, I move the committee now arise and report progress and ask leave to sit again at 7:30 p. m.
ir. Osborn: I second the motion.
ir. Cunniff: I amend that to make it 9:30 Monday morning.
ir. Webb: I second that motion.
ir. Chairman: You have heard the motion to arise and report progress and ask leave to sit again at 7:30 p. m., amended to 9:30 a. m. Monday. Call the roll.
Roll call showed 20 ayes and 16 nays.
ir. Chairman: The motion is carried. The committee will now arise and report progress, and requests it be allowed to sit again Monday.
The president resumed the chair.
ir. President: The convention will come to order. The chair will recognize the gentleman from Yavapai.

ir. Jones of Yavapai: Mr. President, Your committee of the whole begs leave to report progress as follows: That it has examined substitute proposition No. 106, and recommends that it be adopted as amended; that it has examined Proposition No. 56 and recommends that it be indefinitely postponed; that it has examined Proposition No. 126 and recommends that it be indefinitely postponed. Your committee requests leave to sit again at 9:30 Monday morning.

ir. Cunniff: I move the report be accepted.
ir. Jones of Yavapai: I rise to a point of order: Under the rule the report of the committee is to be placed on the calendar of the convention, and come up under the order of the day.
ir. President: Shall Proposition No. 106 be engrossed and have a third reading? Those in favor answer aye; opposed nay. The ayes have it and it is so ordered. Proposition No. 126, shall it be indefinitely postponed? Those in favor make it known by saying aye; opposed no. The ayes have it, and it is so ordered. What is your pleasure gentlemen?
ir. Weinberger: I move we adjourn until 7:30 p.m.
ir. Osborn: I second the motion.
ir. Cunniff: I move an amendment that it be changed to read 9:30 Monday morning.
ir. Webb: I second the motion.
ir. Parsons: Inasmuch as there is loads of work for a great many of the committees to do that will occupy the time tonight and tomorrow, and as I have been informed that

at least one of our members is to be unavoidably detained, as there is to be a meeting of the Arizona members of the Harvard Alumni, and some propositions will come up which he is interested in, I second the motion to adjourn to 9:30 Monday morning. Let the committees use tonight and tomorrow.

Mr. Connelly: I believe the committee was to arise and report progress. What is the use of having more committee meetings until we get through with the twenty-five propositions now before us?

Mr. President: Gentlemen, it has been moved and seconded that the convention adjourn until 7:30 p.m., amended to adjourn to 9:30 Monday morning. The secretary will call the roll.

Roll call showed 24 ayes and 13 nays.

Convention adjourned to 9:30 a. m. November 21, 1910.

JOURNAL, November 21, 1910. 9:30 a. m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will rise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: Reading of the minutes.

Minutes read and approved.

Mr. President: Reports of standing committees.

Mr. Wood: Mr. President, your committee on finance, accounts and expense has a report.

Secretary: (reading) Report of committee on finance, accounts and expense.

Mr. President: If there is no objection the report will be adopted. Any other reports?

Secretary: (reading) Report of committee on judiciary on Proposition No. 88, recommending that Proposition be amended.

Mr. President: If there are no objections it will come up in regular course in committee of the whole.

Secretary: (reading) Report of committee on judiciary on Proposition No. 47 recommending that it be indefinitely postponed; also report of a minority of committee on judiciary on Proposition No. 47, recommending that it do pass.

Mr. President: It will take the same course as the preceding proposition, and will come up tomorrow in committee of the whole.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 42, recommending that it be indefinitely postponed.

Mr. President: It will take the same course.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 46 recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow in the committee of the whole.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 128, recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 30, recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 111, recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 51, recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 117, recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 108 recommending that it be indefinitely postponed.

Mr. President: It will come up tomorrow.

Secretary: (reading) Report of committee on judiciary on Proposition No. 91, recommending that the proposition be amended by striking out the words following the word "language" in line 3, and that as amended it do pass; also report of minority of the judiciary committee on Proposition No. 91, recommending that it do pass.

Mr. President: It will come up in the committee ofthe whole tomorrow.

Secretary: (reading) Report of committee on judiciary on Proposition No. 50 as amended, recommending that proposition be further amended by striking out the last sentence, and that as amended it do pass.

Mr. President: It will come up in committee of the whole tomorrow.

Secretary: (reading) Report of committee on printing and clerks on Proposition Nos. 6, 22 and 125; also report of committee on printing and clerks recommending that the services of not less than five of the clerks be dispensed with.

Mr. Short: Mr. President, I move the adoption of the committee report.

Mr. Jones of Maricopa: I second the motion.

Mr. Winsor: I think this convention knows the attitude I took upon the convening of this convention in the matter of the employment of clerks. At that time I pointed out that we were very likely to appoint more clerks than we needed. I believe that time has borne out the statement. Regardless of that fact, and overriding my opinion and the opinion of a few others, these clerks were employed. They went to work in good faith, under a moral contract, if no other kind, and I for one am now opposed to the discharging of any clerks with whom we have entered into this moral contract, which to my mind is a binding contract. I think until we get done with our labors they should be retained.

Mr. Webb: I did not hear the reading of the report. I was busy. I do not care to have it re-read as I can get from the remarks of the gentleman just speaking an idea of its contents. I desire to say that there are a number of these clerks and employees who came quite a distance, had their railroad fare to pay and will have to pay their railroad fare when they return home. One or two came from California on wire messages, although I believe they are residents of Arizona, but happened to be in Los Angeles, and for this reason it would be very unjust certainly, and so far as I know an unheard of thing to throw them out of employment at this time.

Mr. Short: The position that these gentlemen have taken in regard to these employees is probably all right from their standpoint, but I do not believe that any pension was promised anybody in connection with this constitutional convention, and if they were looking at it from the point of the printing and clerks committee they would take a different view. If they knew how difficult it is for us to get anything done by some of these clerks, they would realize how necessary it is to dispense with some of them who have absolutely no duties assigned to them because there is nothing to assign, and those who have duties to perform and who are behind in their work and who are willing to do what is right in order to earn their per diem say they do not see why they should be required to work their full time when there are others doing absolutely nothing. You cannot blame these employees for not wanting to do a full days work when there are others who have nothing to do and and do nothing, and from our point of view we think it is absolutely necessary that a number of these clerks be dispensed with or something furnished for them to do.

Mr. Morgan: Mr. President, when I sent for a clerk who is here from Navajo county I was given to understand that he would be given employment as long as the convention lasted, and I would hate to see him sent home until he got through, and I want to say this: If it is the purpose to discharge some of the clerks it is going to mean a lot of argument here, and some of the papers figure it costs us about seventy-six cents a minute to run this convention and we will use up more wealth than it will take to pay these clerks, so I move the report be indefinitely postponed.

Mr. Jones of Maricopa: There is a motion seconded before the house, Mr. Chairman, and I want to say in its support that if it does not carry and this convention wants their work done, when the convention adjourns the committee will ask leave to be allowed to suggest to these unnecessary clerks that they refrain from visiting the capitol.

Mr. Osborn: Have we any unnecessary employees?

Mr. Jones of Maricopa: Yes sir.

Mr. Osborn: I have been around Congress in Washington and also the legislature here, and here everyone seems willing to work. And I have asked a number of the different clerks to do things for me and they have always done them willingly.

Mr. Ellinwood: Mr. President, I am sure that I fully appreciate the spirit in which the suggestion is made, but I think it is a mistake. I think the session is not very much longer now, and from now on when you have the compilation and revision and the writing and re-writing of this constitution you will need your clerks, and it is my prediction if you let some of these clerks go now this body will be appointing more clerks before the session is finished.

Mr. Cunniff: Mr. President, I would request the committee on printing and clerks to send me one or two of these unnecessary clerks.

Mr. Short: Mr. President, there is certain work on books and certain work that must be done and that can only be done by a limited number. There are two shifts now that are working on these books. Some of the clerks are doing nothing and the others feel that they are doing the work and getting paid for just whatthe others should be doing.

Mr. Connelly: Mr. President, I believe the clerks have some say-so in this matter. I believe before anybody is discharged they should be given a certain notice, and I believe they should be given fifteen days notice. (applause)

Mr. President: Those in favor of adopting the report will signify by saying aye; opposed no. The motion is lost.

Mr. President: Gentlemen, if there are no objections, the convention will now resolve itself into a committee of the whole, the gentleman from Maricopa, Mr. Cassidy, will take the chair.

Mr. Chairman: The committee of the whole will please come to order. Mr. Secretary, you will read the first proposition on the calendar. Will the committee please come to order--

(Secretary reading) Report of committee on public debt, revenue and taxation on Proposition No. 147, recommending that further consideration of same be indefinitely postponed.

Mr. Keegan: Mr. Chairman, I move that when the committee arise it report back to the convention and recommend that Proposition No. 147 be indefinitely postponed.

Mr. Franklin: I second the motion.

The motion prevailed.

Mr. Cunniff: May I make a suggestion? I think it would expedite matters if the authors of these propositions will move to postpone those that are suggested for indefinite postponement.

Secretary: (reading) Report of committee on public debt, revenue and taxation on Proposition No. 122, recommending that further consideration of same be indefinitely postponed.

Mr. Wills: I move the committee recommend that it be indefinitely postponed.

Mr. Colter: I second that motion.

The motion prevailed.

Mr. Chairman: Proposition No. 83.

Secretary: (reading) Mr. President, Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 83 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

Mr. Crutchfield: I move that when the committee arises that it recommend that Proposition No. 83 be indefinitely postponed.

Mr. Franklin: I second that motion.

The motion prevailed.

Secretary: (reading) Mr. President, Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 59 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

Mr. Coker: Mr. Chairman, I move that when the committee arises, that it recommend that this proposition be indefinitely postponed.
Mr. Cobb: I second the motion.
The motion prevailed.

Secretary: (reading) Mr. President, Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 65 and respectfully recommends that the further consideration of the same be indefinitely postponed, for the reason that the same is mainly incorporated in Proposition No. 106.

Mr. Keegan: Mr. Chairman, I move that when the committee arises that it récommend the adoption of this report for indefinite postponemant.
Mr. Webb: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President, Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 11 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition No. 106.

Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that Proposition No. 11 be indefinitely postponed.
Mr. Wood: I second that motion.
The motion prevailed.

Secretary: (reading) Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition No. 10 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly covered by Proposition No. 106.

Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that this proposition be indefinitely postponed.
Mr. Webb: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President, Your committee on executive, impeachment and removal from office begs leave to report it has examined Proposition No. 61 and respectfully recommends that the proposition herewith submitted be substituted for Proposition No. 61 and that said substitute proposition be adopted.

Mr. Jones of Yavapai: I move that when the committee arises that the committee recommend that the Substitute Proposition No. 61 do pass.
Mr. Cunniff: I second that motion.
Mr. Winsor: I rise to a point of information. I want to know why they insert the word "male", I want to know why it is necessary to say "male" when the women are not qualified electors.
Mr. Jones of Yavapai: There are a great many positions such as governmental positions that women can hold, and I would mention school trustees, school superintendents, etc.,

and for this reason it was decided to make it plain.
Mr. Chairman: Gentlemen, you have heard the motion which is on the adoption of the recommendation of the committee on Substitute Proposition No. 61.

Secretary: (reading) Mr. President, Your committee on mines and mining, begs leave to report it has examined Proposition No. 64 and respectfully recommends that the committee Substitute Proposition be adopted.

Mr. Cobb: I move that when the committee arises it recommend the adoption of the report on Substitute Proposition No. 64.
Mr. Cunniff: I second that motion.
Mr. Ellinwood: I am in favor of a mining inspector, but I am opposed to a geologist.
Mr. Hunt: I would like to ask for information, why it is so necessary to have a mine inspector.
Mr. Cobb: I do not know only that almost all states that have a large mining industry have a mining inspector.
Mr. Franklin: I have no objections to a mining inspector, but it seems to me that we have too much legislative matter in this, which is so unnecessary, and I would say that this should be a matter for consideration by the legislature.
Mr. Bolan: I think this is a very important matter that we should have a mine inspector, for where there are such great mining interests as Arizona has this is one of the very chief officers of the state, but where there is but little mining done then it would not be necessary.
Mr. Short: I move that in line 10 of Proposition No. 130 after the word "successor" we cut out the rest of the sentence, and making it imperative for the legislature to fill the vacancy.
Mr. Cunniff: I beg to point out that his successor shall be appointed. In section four of the original copy you will find that there is a provision for this election as the first mining inspector would have nothing to base his work on, therefore it is necessary to prescribe something as a guide.
Mr. Crutchfield: I second that motion.
Mr. Short: I move that the whole sentence after the word "successor" be stricken out.
Mr. Chairman: The motion is on the amendment in line 10 and 11 after the word "successor". Those in favor of the motion will answer aye; opposed no. The motion is lost. All in favor of adopting that part of Substitute Proposition No. 64 respecting the mining inspector will answer aye; those opposed nay. The motion is carried.
Mr. Roberts: Mr. Chairman, I move that the second section be stricken out.
Mr. Osborn: I second that motion.
Mr. Chairman: You have heard the motion that the second paragraph be stricken out, are you ready for the question?
Mr. Cunniff: There is a state geologist in California, Colorado, Idaho, Utah. The mining interest in Arizona is one of, if not, the very greatest industries and I think it is very vital that we should have a state geologist to give the necessary reports. The only report we ever get is from the government and they cannot always be had, nor is it as correct as a state geologist's report would be, In the interest of the great industry and the development of these industries, I think there should be an office created.
Mr. Webb: Mr. Chairman, I simply wish to say this: In the

ame of common sense let us call a halt on creating ffices. If we want the blessing of statehood to prove blessing to the people, let us not create so many ffices for them to pay for, and if we expect them to eceive this constitution that we are framing let us ot burden it any further with such useless offices, herefore, I am opposed to a state geologist.

r. Hunt: I wouldsay that we had a territorial geologist ere a few years ago but that office was abolished by he legislature, as the records will show. It was not onsidered necessary or beneficial and for this reason as abolished.

r. Cobb: I agree with the gentleman from Yavapai, that his is one of the most important offices that the state ould have, and in fact I would say just as important s the judiciary or legislature, and will do more good han any office in the territory with reference to the reat mining industry of the state, which industry is he largest in the territory.

r. Chairman: The motion is to strike out the second ection providing for a state geologist. Those in favor f the motion to strike out this section will answer aye; hose opposed nay. The chair is in doubt. The secretary ill call the roll. Those in favor of the motion to trike out this section relating to the state geologist ill vote aye; those opposed will vote nay.

r. Cunniff: Those who wish to strike out this section ill vote aye, and those who wish to retain it vote no.

oll call showed 37 ayes and 10 nays.

r. Chairman: The motion is carried.

ecretary: (reading) Mr. President: Your committee on ines and mining begs leave to report it has examined roposition No. 130 and respectfully recommends that it be ndefinitely postponed as the subject matter therein conained is covered by Committee Substitute Proposition No. 4.

r. Cunniff: Mr. Chairman, I move you that when the ommittee arises that it recommend the adoption of ubstitute Proposition No. 64 as amended.

r. Jones of Yavapai: I second that motion.

he motion prevailed.

ecretary: (reading) Mr. President: Your committee on ines and mining begs leave to report it has examined roposition No. 138 and respectfully recommends that it e indefinitely postponed as the subject matter therein ontained is covered by Committee Substitute Proposition o. 64.

r. Hunt: Mr. Chairman, I move that when the committee rises it recommend that the report of the committee to ndefinitely postpone Proposition No. 138 be adopted.

r. Weinberger: I second that motion.

he motion prevailed.

ecretary: (reading) Mr. President: Your committee on egislative department, distribution of powers and apporionment begs leave to report it has examined Proposition o. 20 and respectfully recommend that the said Proposition o. 20 be indefinitely postponed on the ground of public olicy.

r. Ellinwood: I move that the report of the committee be dopted.

Mr. Cobb: I second that motion.
Mr. Osborn: I would like to ask the chairman of that committee what the committee means by "public policy." I do not understand it.
Mr. Winsor: It was the opinion of the committee that this proposition is not a good measure and that it would not be a good policy to pass this measure, and therefore, the report means just what it says.
Mr. Chairman: Gentlemen, you have heard the motion. Those in favor of adopting this report will answer aye; those opposed nay. The motion is carried.

Secretary: (reading) Mr. President: Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 35, and respectfully recommends that the said Proposition No. 35 be indefinitely postponed inasmuch as the provision proposed adds nothing to the power of the legislature.

Mr. Short: Mr. Chairman, I move that the recommendation of the committee be adopted.
Mr. Webb: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President: Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 39 and respectfully recommends that the said Proposition No. 39 be indefinitely postponed inasmuch as the legislature will have the right to make provision included within the said Proposition without a constitutional reservation therefor.

Mr. Webb: Mr. Chairman, I move that when the committee arises it recommend the postponement of Proposition No. 39.
Mr. Simms: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President, Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 43, and respectfully recommends that the said Proposition be amended as follows: Insert the word "the" before the word "executive" and insert the word "the" before the word "judicial", and as so amended, recommends that the said Proposition be adopted.

Mr. Winsor: Mr. Chairman, I move that when the committee arises it recommend the report be adopted as amended.
Mr. Cunniff: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President: Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 96 and respectfully recommends that the said proposition No. 96 be indefinitely postponed, inasmuch as the subject matter thereof is contained in Proposition No. 43.

Mr. Webb: Mr. Chairman, I move the adoption of the report.
Mr. Jones of Maricopa: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President: Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 45 and respectfully recommends that the said Proposition No. 45 be indefinitely postponed.

Mr. Jones of Maricopa: Mr. Chairman, I move you that we adopt the report of the committee.
Mr. Sims: I second that motion.
The motion prevailed.

Secretary: (reading) Mr. President: Your committee on legislative department, distribution of powers and apportionment begs leave to report it has examined Proposition No. 98, and respectfully recommends that the said proposition No. 98 be indefinitely postponed, inasmuch as the subject matter is now carefully covered by Federal Statute.

Mr. Webb: Mr. Chairman, I move the adoption of the report.
Mr. Weinberger: I second the motion.
Mr. Cunniff: I protest with emphasis against this. The whole delegation from Yavapai county is pledged to have this in the constitution. It is fully covered by the statutes of the federal government, but it should also be in this state constitution as it will enable the state to take care of and have jurisdiction over all matters that arise in the state and that should be settled by the state courts rather than the federal courts.
Mr. Weinberger: I still think it is unnecessary to include this in the state constitution.
Mr. Cunniff: The solid delegation from Yavapai county is pledged to place this in the constitution.
Mr. Weinberger: The federal laws are certainly above the state laws, as in the case of selling liquor to Indians.
Mr. Webb: I desire to say that it may be much easier settled by including this in the constitution, but I think that it will have strong opposition since it is a legislative matter, and I am opposed to any legislative matter of this kind being placed in the constitution.
Mr. Ellinwood: Mr. Lynch has explained the unfortunate condition of the Yavapai delegation in having some measure in their platform which the majority of the members of the convention were not elected upon in their platforms, and I agree with the gentlemen who have opposed this measure. It is in most part an international question, when you speak of the expelling of aliens.
Mr. Cunniff: There is no part of it that refers to expelling aliens, and you cannot construe the meaning of importing to include expelling.
Mr. Jones of Yavapai: In the importation of goods I would say that there is some difference in the terms. Goods have to be brought here and cannot come without help, but aliens come without being brought and I think that it should be given to the state to prevent the importation of aliens and this does not refer to the expelling of them.
Mr. Ellinwood: Suppose Congress should change this law with regard to the importation of aliens, then what would you do with this law?
Mr. Chairman: You have heard the motion that when this committee arises it recommend that Proposition No. 89 be indefinitely postponed. Those in favor answer aye; opposed no. The motion is carried. The next is proposition No. 93.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, recommending that Proposition No. 93 be amended in accordance with amendments attached, and that as so amended, the proposition be adopted.

Mr. Cunniff: I move the recommendation of the committee be adopted and when this committee arises it recommend its adoption.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Franklin: Do I understand that this Proposition No. 93 as amended provides "this shall not apply when the legislature or any house thereof is sitting as a court of impeachment?" Our constitutional provides that only one house (thesenate) can sit as a court of impeachment. You do not want two houses sitting as a court of impeachment.
Mr. Weinberger: The gentleman is mistaken. The house finds a bill of impeachment, and the senate tries it. People should be permitted on the floor in both the house and senate, and it should be left as provided.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, recommending that Proposition No. 97 be indefinitely postponed as the substance of such proposition is covered by substitute No. 4 submitted by this committee.

Mr. Jones of Maricopa: I move the report of the committee be adopted.
Mr. Webb: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, recommending that Proposition No. 133 be indefinitely postponed, inasmuch as the matter contained therein is legislative and is now covered, though somewhat inadequately, by statute.

Mr. Cunniff: I move you the report of the committee be adopted, and when the committee arises, it recommend the indefinite postponemant of Proposition No. 133.
Mr. Webb: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment recommending that Proposition No. 146 be indefinitely postponed, inasmuch as the subject matter there of is contained in a proposition heretofore submitted by the committee on judiciary.

Mr. Ingraham: I move when the committee arises it report in favor of the indefinite postponemant of this proposition.
Mr. Webb: I second that motion.
The motion prevailed.

Secretary: (reading) Your committee on counties and municipalities recommends that Proposition No. 40 introduced by Mr. Webb be superseded by substitute proposition herewith submitted by the committee on counties and municipalities, known as committee substitute No. 40, which is to be substituted for Proposition No. 40.
Mr. Cunniff: I move that the substitute Proposition be con-

sidered section by section.

Mr. Chairman: If there are no objections, we will consider section 1 adopted. What will you do with Section 2?

Mr. Short: What is meant by "the several counties?" Does it mean the boundaries, or the government, or what?

Mr. Cunniff: I would suggest it means politic and corporate.

Mr. Chairman: Are there any further remarks? If there are no objections to paragraph 2, we will consider the third paragraph. Section 2 is adopted.

Mr. Cunningham: I move that instead of the word "district" the word "county" be inserted before the word "attorney."

Mr. Keegan: I second the motion.

Mr. Weinberger: I will say, although they are called "District Attorneys," at the present time, their jurisdiction only extends to the county, and I do not see any reason for change.

Mr. Chairman: The motion is to strike out the word "district" and substitute therefor the word "county." All in favor of this motion answer "aye; contrary no." The motion is carried, and the word "district" is stricken out, and "county" substituted therefor.

Mr. Cunningham: I move to insert the word "assessor" after the word "attorney."

Mr. Feeney: I second that motion.

Mr. Orme: Make a division.

Mr. Cunningham: I have no objection to a division, but I think both these officers should be elected.

Mr. Chairman: Gentlemen of the committee, all in favor of adding the word "assessor" after the word "attorney" will signify by saying aye; opposed no.

Mr. Orme: On that question of assessor, I wish to say a few words: It is a well known fact that if an assessor is elected and does his duty, he never can be re-elected. He is not responsible to the board of supervisors in any way, shape or form, and if he does his duty he never could be re-elected. The board could not say "Mr. Assessor, you put that property at a wrong valuation." The assessor must be a qualified man, and it takes two years for him to become qualified, and if the board has no control over him he will make his arbitrary assessments in a way so he can be re-elected. Consequently, I think it would be a poor thing to have the assessor elected, as he would not make proper assessments.

Mr. Jones of Yavapai: It has been my experience that the assessor who is appointed by the supervisors takes more interest in politics than any other man, and if he is going to take the interest, he should do it for himself, and not for the board of supervisors. I take exception to the statement that if he does his duty and assesses everybody alike he will not be re-elected. He will not fail to be re-elected as long as he wants the job.

Mr. Wills: Mr. Orme has expressed my sentiments as to electing an assessor; I think he should be appointed by the board of supervisors.

Mr. Winsor: I want to add a word to Mr. Orme's statements. Mr. Orme is chairman of the Maricopa board of supervisors and has reason to know whereof he speaks. Where the assessor has been elected, from time immemorial he almost invariably uses his office to secure his re-election. It works this way: As the assessor goes around the country and assesses property of individuals he fails to find all of that property, for instance: If a man has 100 sheep on a range, he will see but 10 of them. He says: "That is all right," and hopes the owner will remember that; and he generally does. As the gentleman from Maricopa has said, when an assessor performs his duty fearlessly, they do not only visit that performance of duty in punishment on the assessor, but they try to carry it to the board of supervisors who appointed the assessor. I have known assessors to be appointed by the supervisors, and in the performance of their duty incur the ire of large property owners, and demand was made when candidates for the board of supervisors were being elected afterward that they should refuse to appoint such an assessor on account of the injury worked on them in the performance of their plain duty. I am very heartily in favor of the appointing of the assessor.

Mr. Webb: I think in nine times out of ten the office of the assessor is pledged before the election.

Mr. Orme: I have been on the board of supervisors of this county for many years, and I will say no man ever broached the matter to me in any shape or form, and I never gave any promise.

Mr. Webb: Well, perhaps I did make it too strong, but I want to say that the assessor by talking with the owners in assessing the property can arrive at a much more satisfactory understanding than the board of supervisors who sit in their office and arbitrarily raise or lower the assessment.

Mr. Ellinwood: I think this constitution ought certainly to create the office of assessor; it is one of the most important county officers.

Mr. Roberts: I cannot see that it would make a man infallible because he was appointed by the board of supervisors.

Mr. Webb: You will pardon a personal illustration. Frankly, I believe I can do an applicant for the position of assessor more good in my efforts to secure his appointment than to secure his election. In other words, I think my influence would go farther with the three men who compose the board of supervisors, than with the people as a whole, and I believe the assessor would think so and would be more apt to show me a favor in order to secure my influence.

Mr. Parsons: Why not apply that to all the officers?

Mr. Chairman: Gentlemen of the committee, the question is on the adding after the word "attorney" the word "assessor." All in favor of this motion will answer aye; as their names are called; and all those opposed will answer no. Call the roll.

Roll call showed 28 ayes and 19 nays.

Mr. Chairman: Gentlemen, the motion is carried.

Mr. Winsor: Before we pass to section 4, I would like to ask what happens to the county superintendent of roads under this provision.

Mr. Weinberger: If I may be allowed to answer that question, the county superintendent of roads is appointed.

Mr. Ingraham: Though the county superintendent of roads is now appointed, there is a provision that hereafter he shall be elected.

Mr. Colter: I make a motion that "county superintendent of roads" be added to paragraph 3, after the word "assessor."

Mr. Standage: I second that motion.

The motion prevailed.

Mr. Cunniff: I move the word "surveyor" be added to paragraph 3.

Mr. Winsor: I second that motion.

Mr. Sims: With the gentleman's permission I would like to add the words "clerk of the board of supervisors."

Mr. Cunniff: I accept the amendment.

Mr. Hunt: Make a division.
Mr. Chairman: The question will first come up on the "surveyor". Those in favor answer aye; contrary no. The motion is carried. All in favor of inserting the word "clerk of the board of supervisors" will say aye; opposed no. The chair is in doubt. The secretary will call the roll.
Mr. Cunningham: Before the vote is had, it seems to me nothing more than right that the board of supervisors should have the right to discharge their clerk when he is not acting in accordance with the wishes of the board.
Mr. Cunniff: I agree with the gentleman from Cochise in the position that the board of supervisors ought to be allowed to appoint a man to work in harmony.
Mr. Osborn: Why would that not apply to the clerk of the superior court?
Mr. Cunningham: That is different. The clerk performs nearly all the duties of the probate judge at present.
Mr. Osborn: And the clerk of the board performs nearly all of the duties of the board of supervisors.
Roll call showed 7 ayes and 36 nays.
Mr. Chairman: The motion is lost.
Mr. Jones: I move the committee now arise and report progress, and ask leave to sit again this afternoon.
Mr. Parsons: I second the motion.
The motion prevailed.
The president resumed the chair.
Mr. President: The convention will come to order. The chair will recognize the gentleman from Maricopa, Mr. Cassidy.
Mr. Cassidy: "Mr. President, your committee of the whole begs leave to report progress, and ask leave to sit again this afternoon."
I move the report of the committee be adopted.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Osborn: I move we take a recess until 2 o'clock this afternoon.
Mr. Parsons: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

Secretary: (reading) Report of committee on state and school lands on Proposition No. 78, recommending that Proposition herewith submitted be substituted for Proposition No. 78, and that Substitute Proposition be adopted.

Mr. President: I will ask the chairman of the committee on state and school lands, do you want that printed?
Mr. Coker: The substitute Proposition? Yes.
Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Report of committee on state and school lands on Proposition No. 28, recommending that the same do not pass.
Mr. President: It will come up in committee of the whole tomorrow.
Secretary: (reading) Report of committee on state and school

lands on Proposition No. 13, recommending that the same be indefinitely postponed.

Mr. President: It will come up in the committee of the whole when the other is printed and returned.

(Secretary reading) Report of committee on state and school lands on Proposition No. 16, recommending that same be indefinitely postponed.

Mr. President: It will take the same course as the other one.

Secretary: (reading) Report of committee on state and school lands on Proposition No. 129, recommending that it be indefinitely postponed.

Mr. President: It will take the same course as the other one.

Secretary: (reading) Report of committee on state and school lands on Memorial No. 1, recommending that it be adopted.

Mr. President: It will come up in the committee of the whole tomorrow.

Secretary: (reading) Report of committee on preamble and declaration of rights on Proposition No. 94, recommending that Proposition herewith submitted be substituted for Proposition No. 94 and that substitute Proposition be adopted.

Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) Report of committee on preamble and declaration of rights on Proposition No. 104, recommending that it do pass save as to sections 10, 14 and 23.

Mr. President: It will come up in committee of the whole the day the other is returned.

Secretary: (reading) Report of committee on preamble and declaration of rights on Proposition No. 116, recommending that it do not pass.

Mr. President: It will take the same course.

Secretary: (reading) Report of committee on preamble and declaration of rights on Proposition No. 98, recommending that it do not pass.

Mr. President: It will take the same course.

Secretary: (reading) Report of committee on preamble and declaration of rights on Proposition No. 95, recommending that it do not pass.

Mr. President: It will come up in committee of the whole tomorrow.

Secretary: (reading) Report of committee or agriculture, irrigation and water rights on Proposition No. 66, recommending that proposition herewith submitted be substituted and that said substitute proposition be adopted.

Mr. President: If there is no objection that will be referred to the printing committee and 500 copies ordered printed and the other will not be taken up until that is returned from the printer.

Mr. Webb: I have a resolution on the secretary's desk that I would like to have read.

Secretary reads resolution in regard to employment of Mr. J.B. Whitesides to the position of doorkeeper to fill vacancy caused by resignation of Mr. Gibbons.

Mr. Webb: I move the adoption of the resolution.
Mr. Osborn: I second the motion.
Mr. Jones of Maricopa: I would like to say the position has been filled by one of the numerous attaches who had no other duties and the position is not vacant.
Mr. Morgan: I want to say I have known Mr. Whitesides for years. I have been in sessions of the legislature with him and at other times he has been sergeant-at-arms of the legislature, and the height of his ambition is to be connected in some way with this convention. It was a great disappointment to him to have a republican elected in Santa Cruz at this time, and I hope that every member of the convention will vote for Mr. Whitesides to fill the vacant place by Mr. Whitesides. We will not ask for any roll call on this question. Any democratic member of this convention who votes against the proposition we will know it by the blushes on his cheek.
Mr. President: Those in favor will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Mr. Cunniff: I would like to explain my vote. I would like to do anything I could for the gentleman and I am sorry that he has not got a position here, but I cannot vote for that in the face of the report made by the printing and clerks committee this morning, and I vote no.
Roll call showed 36 ayes and 10 nays.
Mr. President: We are now ready to take up the order of the day, and if there is no objection the convention will resolve itself into a committee of the whole with the gentleman from Maricopa, Mr. Cassidy, in the chair, to take up unfinished business.
Mr. Chairman: The committee ofthe whole will come to order. We will take up paragraph 4 of Substitute Proposition No. 40.
Mr. Webb: Mr. Chairman, I do not quite see the need of that in the constitution. I would ask the chairman of that committee the necessity of it. The state legislature can unquestionably do it and they may or may not with this in here, it seems to me. I move that it be stricken out.
Mr. Weinberger: I second the motion.
The motion prevailed.
Mr. Chairman: What will you do with paragraph 5?
Mr. Hunt: I would like to ask, isn't that largely legislative?
Mr. Franklin: I agree with the gentleman from Gila, Mr. Hunt, that that section is purely legislative, and that ought to be left to the people and the legislature, and I move to strike out all of paragraph 5.
Mr. Jones of Maricopa: I second that motion.
The motion prevailed.
Mr. Baker: I move that the following be substituted as section 4 in this bill: "The legislature shall provide by general law for changing county seats in organized counties and it shall have no power to remove the county seat of any organized county."
Mr. Jones of Maricopa: I second the motion.
Mr. Webb: Mr. Chairman, I would suggest that the senior member from Maricopa that the only point that will be effected in this proposed amendment is covered I think in the legislative bill. Is it not, Mr. Chairman; you remember, I think?
Mr. Chairman: The recollection of the chair is that this section on special legislation is a verbatim copy of the proposition submitted by the legislative committee.
Mr. Baker: Then it would read thus: "The legislature

shall provide by general law for changing county seats in organized counties."

Mr. Coker: I have a copy of the legislative law, Proposition No. 2, locating or changing county seats. It is a prohibition.

Mr. Baker: Then I have stricken that out by amendment.

Mr. Chairman: Gentlemen of the convention, you have heard the motion.

Mr. Webb: I raise the same objection as have been raised to the two stricken out. It is purely legislative.

Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Maricopa, who offers this amendment, a question. Is it not a fact that the legislature without our incorporating this provision in our constitution would have that power?

Mr. Baker: I suppose the legislature would have the general power, but I can see no harm in saying that the legislature shall provide by general laws for removal of county seats,--provide a system for it.

Mr. Chairman: The question is on the adoption of the amendment of the gentleman from Maricopa. All in favor will signify by saying aye; opposed no. The amendment is lost. Any objections to paragraph 6?

Mr. Cunniff: Mr. Chairman, I understand there was a roll call demanded on striking out of paragraph 5.

Mr. Sims: Mr. Chairman, I did, and I am sorry I was ignored in the matter.

Mr. Chairman: The gentleman from Cochise has asked for a roll call on the question of striking out paragraph 5 of substitute proposition No. 40. All in favor of striking out paragraph 5 will signify by saying aye; as their names are called; those opposed will say nay. The secretary will call the roll.

Roll call showed 30 ayes and 17 nays.

Mr. Chairman: The motion is carried. Section 5 will be stricken out.

Mr. Baker: I move to strike out paragraph 6.

Mr. Webb: I second the motion.

Mr. Chairman: A motion has been made and seconded that paragraph 6 be stricken out. All in favor will signify by saying aye; opposed no. The secretary will call the roll.

Mr. Baker: Let me call the attention of the members to this matter, because I am satisfied the moment you see it you will see that it is absolutely necessary for this to come out of this bill. I do not think any one of you can explain the meaning of the proposition. It is confounding and confusing. It provides that no territory shall be stricken from any county or a new county created unless the majority of the voters shall approve. There is a confusion of terms. Furthermore, there is not a county in the territory but what one huhdred of its inhabitants, or fifty, could not cut off a part of that territory from their county. It would only require a majority of those living within that part you want to cut off. The rest of the county would be absolutely at their mercy and helpless about the matter. As has already been argued by the gentleman from Graham county, it is absolutely and purely statutory. There is a system for the changing of county seats. They are generally based upon population. Sometimes they take the population. Sometimes they take the area, a number of miles a new county shall have, but it is a system. You have to work it out. It takes a legislative enactment to do the thing with any degree of fairness at all. It is purely legislative.

Mr. Cunniff: I would like to ask the committee that prepared this from what constitution they got that authority.
Mr. Webb: I just checked it up with the Utah constitution. It was introduced originally as a verbatim copy of the Utah constitution, but in committee it was changed.
Mr. Chairman: The secretary will call the roll. All in favor of striking out this paragraph will say aye when their names are called; those opposed will answer no.
Roll call showed 41 ayes and 6 nays.
Mr. Chairman: The motion is carried and paragraph 6 is stricken out.
Mr. Webb: I move when the committee arises it report back to the convention that it has examined Substitute Proposition No. 40 and recommend the adoption of the substitute proposition as amended.
Mr. Connelly: Mr. Chairman, I move that it be referred back to the committee.
Mr. Curtis: I second the motion.
Mr. Franklin: I rise to a point of order.
Mr. Chairman: What is your point of order?
Mr. Franklin: There is a motion before the house to recommend the adoption of this proposition as amended. The motion to re-refer does not take precedence over the motion to arise and report.
Mr. Chairman: The chair will sustain the point of order. The question is upon the adoption of the substitute proposition No. 40 as amended by the committee of the whole. All in favor will signify by saying aye; those opposed no. The motion is carried. We will now consider section 1 of substitute proposition No.52. The secretary will first read the committee's report.

Secretary: (reading) Report of committee on counties and municipalities on Proposition No. 52 recommending that attached substitute Proposition No. 52 be adopted.

Mr. Chairman: Are there any amendments to section 1? If not section 1 will be considered adopted. Are there any amendments to section 2? If not section 2 will be considered adopted.
Mr. Crutchfield: Mr. Chairman, I move that section 2 be stricken out for the reason that it gives corporations a power that has been conferred upon them by the last legislature which is objectionable and repugnant to a majority of the counties of this territory, and it proposes to put in the fundamental law, a law which we call the law of segregation, which gives to corporations rights which we do not think belong to municipal corporations.
Mr. Chairman: Was there any second to that motion? The chair does not hear a second. If there is no second, section 2 will be considered adopted.
Mr. Ingraham: Mr. Chairman, in line 7 the word "always", I cannot see the import of that. I move that that be stricken out.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Jones of Maricopa: I move an amendment to line 6. Following the word "powers" add the words "rights and powers not abrogated by this constitution."
Mr. Crutchfield: I second the motion.
Mr. Baker: I would like to ask for information from the gentleman who makes this motion. What part of the constitution up to the present time--what propositions have we enacted up to this time yet--what proposed proposition--

what is in the thought? Do we propose to abrogate any of the rights of these cities by virtue of the constitution we are going to make? I hardly think it is possible that we will pretend to make an effort along that line at all.

Mr. Jones of Yavapai: If we have not abrogated any of the rights this won't do any harm, but if we find after going over the constitution that we have abrogated any of the rights I think this is a wise provision.

Mr. Osborn: Mr. Chairman, didn't we pass a proposition here sometime ago which said every law should be in effect unless it was contrary to the constitution? I think we did, and if we did that there is no use putting this in.

Mr. Roberts: Mr. Chairman, it strikes me that this whole article is purely legislative, and I will make a motion that when the committee arise it report and recommend that Proposition No. 52 be indefinitely postponed.

Mr. Franklin: Mr. Roberts, if you will move that section 2 be stricken out, I will second the motion.

Mr. Roberts: It strikes me that this whole thing is legislative.

Mr. Chairman: Gentlemen of the committee, the question is upon the adoption of the amendment proposed by the gentleman from Maricopa, Mr. Jones, inserting the words "rights and powers not abrogated by this constitution," after the word "powers" on line 6.

Mr. Franklin: I move to amend by striking out section 2.

Mr. Roberts: I second the motion.

Mr. Chairman: The motion has been made and seconded to the effect that the entire section 2 be stricken out. The secretary will call the roll.

Roll call showed 18 ayes and 28 nays.

Mr. Chairman: The amendment is lost and the section is not stricken out. The question now is upon the insertion after the word "powers" of the words "not abrogated by this constitution," in line 6. The secretary will call the roll.

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. Lynch: Mr. Chairman, It would seem to me that the gentleman from Maricopa county will still persist in "seeing things". I cannot see what he sees. This provision is certainly plain. They shall have certain rights until otherwise provided by law. They have no rights excepting by law and when that law is changed then they no longer have the right. I think the gentleman is unduly exercised.

Mr. Sims: For the information of the gentleman from Maricopa I wish to call attention to the fact that this is an exact copy of the Oklahoma constitution, one of the prohibition states.

Mr. Cunniff: I should like to point out in regard to this question that all this section says is that every municipal corporation now existing within this state shall continue with all its present rights and powers until otherwise provided by law and no other words are necessary to convey or complete the idea including the idea in the amendment of Mr. Jones of Maricopa. I should like to make an amendment as soon as the one before the house is disposed of.

Mr. Crutchfield: I wish to say that will be unobjectionable to a prohibitionist but in this state, rights have been given to certain municipalities which are objectionable, and while it is a statement verbatim, probably, from Oklahoma, it is entirely unsatisfactory to a prohibitionist in Arizona, to place in the constitution an objectionable principle.

Mr. Chairman: The secretary will call the roll on the motion of Mr. Jones of Maricopa.

Roll call showed 7 ayes and 39 nays.

Mr. Chairman: The amendment is lost.

Mr. Cunniff: I move that all be stricken out after the word "law" on line 7.

Mr. Wood: I second the motion.

The motion prevailed.

Mr. Chairman: The sentence after the word "laws" are stricken out.

Mr. Ingraham: I move that the whole of the second section be stricken out.

Mr. Chairman: What will you do with section 3?

Mr. Curtis: Mr. Chairman, if we are to give to the people direct legislation this section is far from doing it. I have no fault to find with the section on the whole for I think it is fine, but as it is too far from the people and does not grant the very thing the convention is crying for, direct legislation, I move that the whole section be stricken out.

Mr. Lynch: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved and seconded that section 3 be stricken out. All those in favor of striking out section 3 will say aye; those opposed no. The secretary will call the roll.

Roll call showed 12 ayes and 35 nays.

Mr. Chairman: The motion is lost.

Mr. Crutchfield: Mr. Chairman, I would like to amend section 3, by striking out all of that section from the word "state" in line 12.

Mr. Webb: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved and seconded that the remainder of the section from the word "state" in line 12 be stricken out.

Mr. Cunningham: I would like to ask how and why the gentleman can amend this section in that manner and have anything left.

Mr. Winsor: Mr. Chairman, I would like to ask unanimous consent to change the word "any" to "and", in line 11.

Mr. Chairman: If there are no objections this correction will be made. Those in favor of striking out the section from the word "state" in line 12 will answer aye; those opposed nay. The chair is in doubt. Those in favor of the motion to strike out this part of the section will please rise. Now those opposed may rise.

Rising vote showed 23 in favor and 23 against.

Mr. Baker: Mr. Chairman, let us first know what we are striking out. If you strike this out then you have no system at all. You might as well take away the whole right to form their own laws, and I object to striking out any of this section unless you strike out all.

Mr. Ellinwood: Mr. Chairman, I agree with the gentleman from Maricopa, Mr. Baker, that if you strike out this part you might as well strike out the whole thing for it is absolutely nothing when this part is stricken out.

Mr. Cunniff: I agree with the gentleman from Maricopa and the gentleman from Cochise, and I am opposed to striking out any of this section.

Mr. Ingraham: This appeals to me as being a very good measure all the way through and because it contains matters of detail does not mean that it is not constitutional; for instance the election of the President contains constitutional detail and it is all necessary and it is just so in this instance.

Mr. Baker: I will state that the purpose of the measure is home government and this authorizes a charter government for the people in order that they do not have to go to the legislature for a charter, and this law prevails in Missouri, Oklahoma and California as well as other states and it is intended to provide self government.

Mr. Ellinwood: Once more I protest that if this section is abolished it destroys the right of self government in the cities and towns and leaves them without a means of a charter government until they appeal to a legislature. I would just illustrate that a charter for a city government often provides for parks and boulevards. In Bisbee we cannot have a park or a boulevard if we wanted it, but what we need is a subway to carry off the water, and we want a charter government provided for now so that every city or town of any size can provide for all conditions they have to meet.

Mr. Chairman: Gentlemen, the question is on the motion to strike out all of section 3 from the word "state" in line 12. Those in favor of that motion will answer aye; those opposed will answer nay. Call the roll

Roll call showed 19 ayes and 28 nays.

The motion is lost.

Mr. Winsor: Mr. Chairman, I move to amend section 3 by striking out all beginning with the word "the", line 14, page 3, and insert the following: "The charter so ratified may be amended in the manner provided by the initiative and referendum section of this constitution and subject to such conditions and regulations as may be imposed by ordinance."

Mr. Hunt: I second that motion.

Mr. Osborn: I would like to have the author of that amendment explain it.

Mr. Winsor: The initiative and referendum law has already been adopted by this convention, providing for such an ordinance and this I suggest will arrive at this same end.

Mr. Cunniff: Mr. Chairman, this provision is broader and I believe will be better. I am in favor of retaining it.

Mr. Chairman: All those in favor of the amendment offered by the gentleman from Yuma will answer aye; those opposed nay. Call the roll.

Roll call showed 2 ayes and 45 nays.

Mr. Chairman: The motion is lost.

Mr. Cunniff: Mr. Chairman, I move to amend on page 2, line 12, by striking out the word "freeholders."

Mr. Ingraham: I second that motion.

Mr. Cunniff: Mr. Chairman, I would just like to say the reason for amending this by striking out the word "freeholders" is because I am a democrat and I do not believe in freeholders, and I do not think they have any right to hold any such office. I do not want any such clause in this constitution, and no such persons should hold such an office in this state.

Mr. Sims: Now, Mr. Chairman, I do not see anything questionable in this for in some towns there are a much larger number of freeholders than any other class and I think it would be very fair to give them the right to act as members of this board.

Mr. Cunniff: I am not opposed to the qualified electors having this right for it is their right and the power should be theirs but I do not concede any such right to freeholders.

Mr. Chairman: Those in favor of striking out the words "freeholders", will answer aye; those opposed nay. The secretary will call the roll.

Roll call showed 13 ayes and 32 nays.

Mr. Chairman: The motion is lost.

Mr. Parsons: Mr. Chairman, I desire to offer an amendment to line 22, page 2, I move that the word "three" be changed to "four" for the reason that the amount of time given for publishing this law does not cover the number of times it shall appear in a publication.

Mr. Keegan: I second the motion.

The motion failed to pass.

Mr. Cunningham: Since this section has been under consideration I have noticed an error, or I think it is an error. In line 13, page 3, I move to change the words "said county register" to read "the county recorder" in order to agree with the former use of that office.

Mr. Hunt: I second that motion.

The motion prevailed.

Mr. Chairman: Are there any other amendments to that paragraph, if not we will proceed to the next section. Are there any amendments to section 4?

Mr. Webb: I move that we amend this section by changing the word "next" in line 2, page 4, to "last."

Mr. Winsor: I second that motion.

The motion failed to pass.

Mr. Chairman: Are there any other amendments? If not, we will proceed to paragraph 5.

Mr. Chairman: Are there any corrections or alterations?

Mr. Kingan: I would ask the committee why this is a majority of two-thirds? It seems to me that a majority of the qualified electors residing within the corporate limits is sufficient. What is the use of saying a two-thirds majority? I move that the words "two-thirds" be stricken out.

Mr. Franklin: I second that motion.

Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Pima, for the reason that it would be much easier to grant a franchise to a monopoly under the present wording of two-thirds than it would be to grant a franchise to a corporation, therefore I agree that the correction is very much preferable.

Mr. Chairman: The question is on the motion of the gentleman from Pima to strike out the words "a two-thirds," in line 10, page 4, and have the line read only "a majority." Those in favor of the motion will say aye; those opposed nay. The motion is carried. Are there any other amendments or corrections?

Mr. Franklin: I move to amend line 21, page 4, after the word "said " by inserting the word "municipal."

Mr. Cunniff: I second that motion.

The motion prevailed.

Mr. Cobb: Mr. Chairman, I move that all of section 8 be stricken out.

Mr. Webb: I will second that motion.

Mr. Weinberger: I would like to ask the gentleman's reason.

Mr. Cobb: It is socialistic.

Mr. Weinberger: Do you not think that the city or town should own their own lights and power?

Mr. Cobb: Yes, but this goes too far.

Mr. Chairman: Those in favor of striking out section 8, will answer aye; those opposed nay. The motion is lost.

Mr. Chairman: Are there any corrections or alterations to section 7?

Mr. Short: I move you to amend by striking out the word "other" in line 23, page 4, where it first appears.

Mr. Cunniff: I would like to ask the committee just what that means?

Mr. Chairman: Any second to the motion of the gentleman from Yuma?

Mr. Winsor: I second the motion.

Mr. Chairman: It has been moved and seconded that the word "other" in line 23, page 4, be stricken out. Those in favor of the motion will answer aye; those opposed nay.

Mr. Cunniff: I cannot tell how to vote until some one explains the language of that sentence.

Mr. Sims: Perhaps some lawyers can explain that term.

Mr. Cunniff: Does this mean franchise?

Mr. Franklin: I think it would be more intelligible if the words "or other" were stricken out and the words "for the" inserted.

Mr. Baker: Mr. Chairman, I think that the word "other" is very plausible and effective, and goes farther, and covers the meaning for a temporary license.

Mr. Franklin: I would like to know the meaning of the word "franchise". Is it a perpetual right or is it a temporary franchise?

Mr. Kingan: If that be true there is no possible way of granting to the people the right to own their own lights and other municipal properties.

Mr. Franklin: A franchise is a right.

Mr. Cunniff: I would like to offer an amendment.

Mr. Chairman: There is an amendment before the house. The gentleman from Maricopa, Mr. Franklin, has an amendment before the house.

Mr. Franklin: I will re-state the amendment. Strike out the words "or other" and insert the words "for the."

Mr. Cunniff: I should like to offer an amendment to the amendment. I move that section 7 be amended by inserting the following in lieu of line twenty-two and that part of line 23 ending with the word "of", "no grant, extension or renewal of any right to use, by franchise or otherwise."

Mr. Chairman: The secretary will read the amendment of Mr. Cunniff.

Secretary: (reading) "No grant, extension or renewal of any right to use by franchise or otherwise the street, alleys or other public grounds, etc."

Mr. Ellinwood: I think this section is correct as reported by the committee.

Mr. Franklin: I heard the learned gentleman from Pima quote Mr. Noah Webster as an authority against the initiative and referendum. He defines the word "franchise" as "a particular legal privilege; to enfranchise; to give liberty to." Under the meaning of the word, a franchise is a right, a grant of power to do something that the other inhabitants of the city have not the power to do, unless so authorized by the city. This means nothing except when the city grants a franchise to anyone it shall not be prohibited from the use of the street to which the right extends.

Mr. Cunniff: I would like to point out that there are only two possible meanings: One, as an adjective, so this means a franchise use. If it is used as a noun according to the meaning that is set forth by the gentleman from Maricopa the use of the term here is a use - a franchise or some other kind of use - and therefore the language is not clear because "franchise" used as a noun is incorrectly used, as a franchise is not a use, and "franchise" is not recognized as an adjective. I would suggest that the amendment I offer clears up the meaning of the section.

Mr. Chairman: The question is first on the amendment made by the gentleman from Yavapai. All in favor of the amendment will say aye; opposed no. The motion is lost. The

question is now upon the amendment of the gentleman from Maricopa.
Mr. Baker: I want to say that this is an exact copy of two or three other constitutions in other states.
Mr. Chairman: All those in favor of this motion will answer aye; opposed no. The motion is lost.
Mr. Ingraham: I wish to revert for a moment to Section 1. The first expression used there, it seems to me, is not distinct and clear. If it be true that the county is a municipal corporation, the section does not say what it means. I move to amend so that it shall read "cities and towns shall not be incorporated by special law."
Mr. Short: I rise to a point of order. I have an amendment before the committee to strike out the word "other."
Mr. Chairman: All in favor of the amendment of the gentleman from Yuma to strike out the word "other" in line 23, page 4, will say aye; opposed no. The motion is lost.
Mr. Coker: I move that when the committee arises, it recommend that Substitute Proposition No. 52 do pass as amended.
Mr. Keegan: I second the motion.
Mr. Chairman: The motion is that when the committee arise it recommend the adoption of Substitute Proposition No. 52. Are there any remarks?
Mr. Crutchfield: On the question of adopting this proposition as a whole I wish to just say a word. I am not very particular about seeing what Washington has to say about our constitution, because in case we prepare a constitution that will be acceptable to our people, if it be turned down by the President and Congress, we have done our duty, but if we adopt a constitution which is rejected by the people of Arizona, we will have to come back and do this all over again. I am tired of this, and I feel that when we get through we should have discharged our duty. I am afraid Section 2 will cause the prohibitionists to vote down the constitution, because it threatens in the constitution a municipal right they have upheld. I am not arguing for this as a prohibitionist, I am arguing for it as a communist and as a member of this convention and as a representative of the county, from which I come.
Mr. Parsons: I want to ask the gentleman from Maricopa what part of section 2 he thinks interferes with the rights of prohibitionists.
Mr. Chairman: The chair will rule that both gentlemen are out of order.
Mr. Roberts: I wish to amend the motion so as to have the report provide that this Substitute Proposition No.52 be indefinitely postponed, on the ground that it is purely legislative, and does not belong in the constitution.
Mr. Crutchfield: I second the motion.
Mr. Chairman: The question is on the motion of the gentleman from Pinal, Mr. Coker, that the proposition be adopted as amended by this committee. All in favor of that motion answer aye; opposed no. The motion is carried.
Mr. Hunt: I move the committee do now arise.
Mr. Cunningham: I do not care to offer any amendment, but I think this committee should recommend that proposition No. 52 for which this has been substituted, be indefinitely postponed.
Mr. Chairman: The chair rules that out of order, as the adoption of a substitute automatically postpones the original proposition.
Mr. Franklin: I appeal from the decision of the chair. I would like to have Mr. Robert's motion put. The gentleman from Maricopa, Mr. Crutchfield, seconded it.

Mr. Chairman: Gentlemen of the convention, the motion of the gentleman from Pinal has been amended to the effect that substitute Proposition No. 52 as amended be indefinitely postponed.
Mr. Weinberger: I rise to a point of order: This question has already been settled.
Mr. Chairman: All in favor of the amendment of the gentleman from Cochise that Substitute No. 52 be indefinitely postponed, answer aye; opposed ho. The motion is lost.
Mr. Hunt: I move the committee do now arise.
Mr. Osborn: I second the motion.
The president resumed the chair.
Mr. President: The convention will come to order.
Mr. Cassidy: Mr. President: Your committee of the whole begs leave to report it has examined Propositions Nos. 147, 122, 33, 59, 65, 11, 10, 130, 20, 32, 39, 96, 45, 69, 97, 133 and 146 and recommend that all of these propositions be indefinitely postponed. Your committee further reports that it has examined Proposition Nos. 75, 15, 100 and 44, and recommends that these propositions be placed on the calendar of the committee of the whole for tomorrow morning. Your committee further begs leave to report that it has examined proposition No. 23, and recommends that it be adopted as amended; that it has examined Propositions Nos. 61, 64, 43, 50 and 40, and recommends that Substitute Proposition No. 61 be adopted; that substitute proposition No. 64 be adopted as amended; that substitute propostition No. 43 be adopted as amended by the committee of the whole; that substitute proposition No. 52 be adopted as amended by the committee of the whole; and that substitute proposition No. 40 be adopted as amended.
Mr. President: Gentlemen; You have heard the report of the committee of the whole. All those in favor ofthe adoption of the report answer aye; opposed no. The ayes have it. As it will take at least fifteen minutes to take up these separately, a motion to indefinitely postpone the whole number will be in order.
Mr. Coker: I move we indefinitely postpone all these propositions.
Mr. Cunniff: I second the motion.
Mr. President: All in favor answer aye; opposed no. The ayes have it, and it is so ordered. All in favor of placing Propositions Nos. 73, 15 and 100 and 44 on the calendar as a special order when substitute Proposition No. 15 is returned from the printer, will answer aye; opposed no. The ayes have it, and it is so ordered. Those in favor of passing Substitute Proposition No. 61 as amended answer aye; those opposed no. The ayes have it. Shall Substitute Proposition No. 64 be engrossed and have a third reading? All in favor? Opposed? The ayes have it. Shall Substitute Propositions Nos. 64. 43, 50 and 52, and Proposition No. 93 be passed as amended? All in favor answer aye, opposed no. The ayes have it. Shall Substitute No. 43 as amended be engrossed and have a third reading? Those in favor say aye; opposed no. The ayes have it. Shall No. 93 be engrossed and have a third reading? Those in favor say aye, opposed no. The ayes have it. Shall Substitute No. 40 as amended be engrossed and have a third reading? All in favor say aye; opposed no. The ayes have it. Shall Substitute No. 52 as amended be engrossed and have a third reading? All in favor say aye, opposed no. The ayes have it. That takes up all our business from the committee of the whole. Every

committee should bring in their reports so we will have something to work on.
Mr. Franklin; I move we adjourn.
Mr. Webb: I second the motion to adjourn.
The motion adjourned.
Convention adjourned to November 22, 1910.

JOURNAL, November 22, 1910. 9;30 a.m,

Mr. President: The convention will come to order. Call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers a prayer,
Prayer by the chaplain.
Mr. President: The secretary will read the minutes.
Minutes read and approved,
Mr. President: Reports of standing committees,

Secretary; (reading) "Phoenix, Arizona, Nov. 21, 1910.
Mr. President: Your committee on public service corporations other than railroads begs leave to report it has examined Proposition No. 36, and respectfully recommends that said proposition be indefinitely postponed, it being in substance enacted in section 5 of proposition 52 already adopted by this convention.
(Signed) Fred L. Ingraham, Chairman."

Secretary: (reading) "Phoenix, Arizona, Nov. 21, 1910.
Mr. President: Your committee on public service corporations No. 38, and respectfully recommends that said Proposition No. 38 be amended by inserting the word "ratably" after the word "liable" and before the word "for" and as amended said proposition do pass.
(Signed) Fred L. Ingraham, Chairman."

Mr. President: They will come up in the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, Nov. 16, 1910.
Mr. President: Your committee on militia and public defense begs leave to report it has examined Propositions Nos. 49, 77, and 107, and the resolution from the common council of Phoenix, amd recommend as follows: That the resolution be referred to committee No. 1. That Proposition No. 49 be indefinitely postponed. That Proposition No. 77 be indefinitely postponed. That Proposition No. 107 be indefinitely postponed, and Committee Substitute No. 107 be substituted therefor, as the provisions of the original are mainly covered by the substitute.
A. M. Tuthill, Chairman."

Mr. President: It will come up in the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, Nov. 22, 1910,
Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 2, and respectfully recommend that it be adopted as amended in the appended engrossed copy, the phrase "State of Lower California" having been changed to "Territory of

Lower California" as the assurance of the Mexican Council of Phoenix is that it is a Territory and not a state.
M.G. Cunniff, Chairman."

Mr. Cunniff: I beg to say the only change is in the word "State which has been made "territory." I move it be put on final passage.
Mr. President: It would not seem necessary to have it read again. Those in favor of the proposition will answer aye as their names are called; those opposed no.
Roll call showed 45 ayes and 2 nays.
Mr. President: The motion is passed.

Secretary: (reading) "Phoenix, Arizona, Nov. 22, 1910.
Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 139, as referred to said committee, and respectfully recommends that Proposition No. 139 shall be passed as amended."

Mr. Cunniff: I move the proposition as amended be adopted.
Mr. Crutchfield: I second the motion.
Mr. President: Gentlemen of the convention, it has been moved and seconded that this proposition be adopted as amended. Those in favor of adopting the amendments answer aye; opposed no. The ayes have it. Shall it have a third reading? Those in favor will answer aye; those opposed no. The ayes have it, and the secretary will read the proposition.
Secretary: (reading) Proposition No. 139.
Mr. President: Third reading of the proposition. Those in favor of final passage will answer aye as their names are called; those opposed no.
Roll call showed 47 ayes and no nays.
Mr. President: The proposition is passed. Gentlemen of the convention, the convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Cunniff, in the chair.
Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on first proposition.

Secretary: (reading) Proposition No. 15 by Mr. Moeur. Your committee on education begs leave to report and respectfully recommends that committee substitute proposition be substituted therefor, and that committee substitute No. 15 do pass.

Mr. Chairman: If there is no objection, the proposition will be taken up, under the rules, section by section. Are there any amendments to section 1?
Mr. Parsons: I move that line 1 and all of line 3 up to and including the word "people" be stricken out, and the paragraph begin with the word "it" in line 2, making the letter "I" a capital. The introduction is not even legislative; it seems like a good old-fashioned democratic speech.
Mr. Jones of Maricopa: I second the motion.
Mr. Chairman: Are there any remarks? All those in favor of the motion will signify by saying aye; opposed no. The chair is in doubt. Those in favor will signify by rising; those opposed will signify by rising.
Rising vote showed 21 in favor and 17 against.
Mr. Chairman: The motion is carried. Are there any amendments to paragraph 2? Paragraph 2 will be considered passed.

Any amendments to paragraph 3?

Mr. Sims: I move that on line 22, page 2, "the c. superintendent of schools be cut out.

Mr. Feeney: I second that motion.

Mr. Moeur: I know very little about schools, and when I investigated this was the suggestion of every one of the teachers I went to. As they receive no pay I see no objection to it. They wanted a high-school member put on because he would keep up with the latest methods.

Mr. Goldwater: The city over which I preside has no such officer as city superintendent of schools, and no provision for one.

Mr. Moeur: I would say we have a superintendent of all the schools of Phoenix.

Mr. Cunniff: I understand the city of Jerome has a city superintendent of schools.

Mr. Ingraham: I think technically this expression is incorrect. It is true the larger school districts have superintendents, but the superintendent is not the superintendent of the city school but of all of the schools of the district, and the district may comprise lands outside the city, so technically this wording should be slightly changed. I have another criticism I wish to make of this matter, but I have not thought it out sufficiently to make an amendment. While it is a good idea to have men of practical experience in education, it seems this board consisting of eight, is too heavy with educators. My experience has been (and I have been principal in high schools and a teacher in college) that educators are liable to become theoretical, and they get away from the ground and up in the air, and a board like this ought to have some business men on it.

Mr. Sims: I would like to say that in Douglas the school district not only takes in the city of Douglas but a large scope of surrounding territory.

Mr. Parsons: While I agree with my colleague from Cochise county, I think he will agree with me that if he will look at the exhibit at the fair he will find the exhibit marked as the "Douglas schools," and the superintendent of schools, would be known as the city superintendent of schools. But Mr. Chairman, I want to know if the word "ex-officio" is not used wrongly here.

Mr. Chairman: The chair will rule the motion is on the amendment to strike out on line 22 the phrase "the city superintendent of schools," and the gentleman will confine his remarks thereto. All in favor of this motion will signify by saying aye; opposed no. The motion is lost.

Mr. Roberts: I move you that in line 22 the words commencing with line 22, "and" and ending with "legislature" on line 34, be stricken out.

Mr. Parsons: I second that motion.

Mr. Chairman: Are you ready for the question?

Mr. Ingraham: I would like to ask a question. The number of this board is eight members?

Mr. Moeur: Yes sir.

Mr. Parsons: I would like to ask the gentleman another question. When you use the words "appointed by the governor" was it your intention that he should appoint a county superintendent who had already been elected, or appoint one from the body of electors?

Mr. Moeur: He was to appoint one from those already elected.

Mr. Parsons: I move the word "designated" be substituted for the word "appointed."

Mr. Chairman: The chair will rule the amendment of Mr. Parsons is not in order. All those in favor of the amendment of the gentleman from Cochise, Mr. Roberts, will answer aye;

opposed no. The motion is lost.

Mr. Parsons: I renew my motion to substitute "designated" instead of "appointed" in line 23.

Mr. Wills: I second that motion.

Mr. Chairman: It has been moved and seconded that "designated" be substituted for "appointed". Are you ready for the question?

Mr. Kingan: I am opposed to that motion for this reason: I think the governor should be empowered to appoint these persons without the action of the legislature. If you use the word "designated" you will have to have the action of the legislature. These are officials who are to serve without pay. They are persons who already occupy positions of trust in the Territory, and it seems idle to have their office confirmed by the legislature. Besides, the legislature is not in session except once in two years, and it may be necessary to have a man appointed without waiting that length of time. There you have men already in positions of trust, it is sufficient to merely have the action of the governor. I mention that because I wish to offer an amendment after this is passed on.

Mr. Parsons: In reply to the gentleman from Pima, I desire to say I suggested this because I saw my colleague had the idea it was giving the power to appoint a county superintendent, and not a member of the board, and I wanted to make it plain that the governor was to designate from among the county superintendents of the state one who should become a member of the board of education.

Mr. Chairman: All in favor of this motion will signify by saying aye; opposed no. The motion is lost.

Mr. Parsons: That would be inconsistent with the statement made before.

Mr. Chairman: Are there any further amendments?

Mr. Jones of Maricopa: Mr. Chairman, I favor cutting out "and confirmed by the legislature" in line 23 and 24. It does not seem to me that that is necessary. I move the words be stricken out.

Mr. Kingan: I second the motion.

The motion prevailed.

Mr. Parsons: Mr. Chairman, I move as an amendment to line 21 that the words "ex-officio" be stricken out. If these men are to be members of the board of the board by appointment of the governor we do not need the words "ex-officio". They are not members of the board by virtue of their office.

Mr. Standage: I second the motion.

Mr. Chairman: It is moved by the gentleman from Cochise, seconded by Mr. Standage, that the words "ex-officio" be stricken out.

Mr. Cunningham: Mr. Chairman, I should think it would be ill advised to strike out that word because the governor, superintendent of public instruction, president of the university and members of state normal schools should be ex-officio members of the board.

Mr. Chairman: Any further remarks? It has been moved and seconded that the words "ex-officio" on line 21 be stricken out. Those in favor will signify by saying aye; those opposed no. The motion is lost. Any further amendments to paragraph 3?

Mr. Sims: Mr. Chairman, I move that beginning on line 2 after the word "pay" all the balance of this paragraph be stricken out.

Mr. Cassidy: I second the motion.

Mr. Hunt: I do not see the use of striking out that, because these members are serving without pay but their necessary expenses are paid.

r. Sims: Mr. Chairman, I take the position that it is bsolutely legislative and has no part in this constitution.

r. Coker: Mr. Chairman, I insist that the entire section eginning at the word "law" in line 1 is also legislative, nd I would amend the motion of the gentleman from Cochise y asking that all be stricken out after the word "law."

r. Chairman: Where is the point?

r. Coker: After the word "law" in line 1, to include the embers of the board to serve without pay--to strike out hat entire sentence.

r. Curtis: I second the motion.

r. Parsons: Mr. Chairman, it seems to me that this part s a little more legislative. The legislature would not e authorized to provide for salary. This part provides hat they shall serve without pay.

r. Standage: Mr. Chairman, if the members of the board hall serve without pay--if that is left in there, there ould be no provision made whereby they could get their xpenses paid.

r. Jones of Yavapai: Mr. Chairman, as the members of this oard are not paid now, I do not see any necessity of aying they shall not be paid.

r. Sims: Mr. Chairman, I do not think the position of chool trustee carries very much importance. I believe in ouglas we have the best schools anywhere in the United tates, and we never pay for school trustees, and I do not hink in the future you will have any difficulty in getting en to act as school trustees.

r. Moeur: When the board meets and you call a man away rom his business you simply pay his expenses. No trustee ets any pay for serving the public.

r. Hunt: Mr. Chairman, I will ask the gentleman, I uppose this means traveling expenses.

r. Moeur: Traveling expenses, but they receive no pay for heir actual service, only their board and railroad fare.

r. Hunt: Do you expect those men to come up here and pay heir own way?

r. Sims: No, I would not take that position.

r. Bolan: Mr. Chairman, the committee on education, in orking this matter out, spent some time deciding to dopt this clause that we are amending, and we came to he conclusion after thinking the matter over carefully nd working among ourselves that this was a necessary lause in this paragraph. I believe in regard to the xpenses incurred by members attending this meeting that hey should have their expenses paid, consequently I am pposed to striking out the section.

r. Chairman: Any further remarks? The question is on the mendment offered by the gentleman from Pinal, Mr. Coker, econded by Mr. Curtis to cut out all of the last sentence fter the word "law" in line 1, on page 3. Those in favor ill signify by saying aye; opposed no. The motion is lost. he question is now on the motion offered by the gentleman rom Cochise, Mr. Sims, seconded by the gentleman from aricopa, Mr. Cassidy, that all after the word "pay" on ine 2 in that paragraph be stricken out. Those in favor f making this amendment will signify by saying aye; those pposed no. The motion is lost. Any further amendments o paragraph 3?

r. Jones of Maricopa: I move that the word "traveling" e inserted between the words "necessary" and "expenses" n line 2,- "necessary traveling expenses." "Necessary xpense" is rather vague and might mean automobile hire, igar, etc.

r. Ingraham: I second the motion.

Mr. Chairman: It is moved and seconded that the word "traveling" be inserted between the words "necessary" and "expense." Are you ready for the question?

Mr. Coker: Mr. Chairman, I move an amendment that the words "and living" be inserted after the word "traveling."

Mr. Chairman: Does the gentleman from Maricopa accept the amendment? The amendment is to add the words "and living" after the word "traveling."

Mr. Jones of Maricopa: Yes sir.

Mr. Chairman: The question now is to add on line 2, page 3--to add the words "traveling and living" between "necessary" and "expenses."

Mr. Weinberger: Mr. Chairman, I do not see the necessity of passing those amendments. This means just what it says, but "all necessary expenses-" If you want to insert the words "all necessary traveling expenses incurred by the members attending the meeting" you would not have very good sense, and if you insert the words "living expenses," I do not think it would help it out any. It can only be such expenses as are necessary. It could not intimate that automobile hire, cigars, etc., are necessary.

Mr. Franklin: Mr. Chairman, I understand the amendment was accepted by the mover?

Mr. Chairman: Yes.

Mr. Franklin: I move to amend that by inserting the words "board and lodging" after "traveling expenses," including all necessary traveling expenses including board and lodging."

Mr. Jones of Yavapai: Mr, Chairman, I do not think the words "traveling" put in there excludes automobile hire because certainly if a man travels in an automobile it would come in as traveling expenses.

Mr. Chairman: Any further amendments to the amendment? The motion is on the amendment offered by the gentleman from Maricopa, Mr. Franklin, that the words "board and lodging" be used instead of the words "and living". Those in favor will signify by saying aye; opposed no. The motion is lost. The question is now on the insertion of the words "traveling and living" between the words "necessary" and "expenses" in line 2. Those in favor will signify by saying aye; opposed no. The motion is lost. (applause) Are there any further amendments to the paragraph? Any further amendments to paragraph 3? Paragraph 3 will be considered adopted as amended. Are there any amendments to paragraph 4?

Mr. Weinberger: I move to strike all of lines 13, 14 and 15 commenning with "his."

Mr. Feeney: I second the motion.

Mr. Moeur: Mr. Chairman, I know very well that the salary of the superintendent of public instruction has been fixed, and I feel that the salary is too small, I would like to make some amendment to this not to conflict with the other, and that he be allowed his traveling expenses in addition to his salary of twenty-five hundred dollars; this will be necessary because to get a capable man to fill the job. He incurs a great deal of expense and the salary of twenty-five hundred dollars is inadequate for men of his intelligence. Therefore, I would like this convention to take some action whereby he can be allowed his traveling expenses in addition to his salary.

Mr. Lynch: Mr. Chairman, I would state that the state superintendent of schools does not travel around the state in any state that I know of. His office is at the capital and his business is there and he does not go to other places.

Mr. Standage: Mr. Chairman, I would like to say that I believe he does travel. It seems to me he is called to visit different schools and different places in the territory.

I can remember he has been called to the schools I have been in, to deliver addresses, etc., and he has no way of getting compensation.

Mr. Cunningham: Mr. Chairman, I agree with the gentleman from Maricopa, that he does travel, but it is in the summer time when he goes to the coast or to the mountains.

Mr. Weinberger: I will say that the constitution does not preclude the legislature from allowing traveling expenses, and we might leave that matter to the legislature.

Mr. Bolan: Mr. Chairman, when they selected my fellow member, Dr. Moeur, on this educational committee, he gave this matter his attention, and we consider this one of the most important state offices we would have to elect--this superintendent of schools. I am satisfied that every gentleman in this convention, whether he had children or whether he has not, has this subject more or less at heart, consequently I believe thatthis allowing of expenses is not extravagant, and I am in favor of making some arrangement to increase his salary to more than twenty-five hundred.

Mr. Feeney: I seconded Mr. Weinberger's motion because I feel that it is not necessary every time we mention an officer in our constitution that we specify his wages. I will boost for higher wages at the proper time, but I feel that it is irrelevant here.

Mr. Chairman: The question is on the amendment offered by Mr. Weinberger, seconded by Mr. Feeny, to strike out the last sentence in paragraph 4. All those in favor signify by saying aye; opposed no. The ayes have it. The motion is carried. That sentence is stricken out.

Mr. Short: I move an amendment in line 6 by striking out the words after "shall" and in line 7 up to "four" including "officials," making it read "The state superintendent of public instruction shall for two years next preceding," etc.

Mr. Chairman: I would like to point out to the gentleman from Yuma that you will have to strike out the word "he" in line 6 also, Mr. Short.

Mr. Short: Yes, the word "he" will also be stricken out.

Mr. Chairman: The motion of the gentleman from Yuma is that in line 4 on page 3 all after the word "shall" be stricken out-- all in line 7 up to and including the word "officials" and on line 2 the word "he", so the paragraph would read: "The state superintendent of public instruction shall for two years next preceding his election--" I would suggest the word "shall" will have to be cut out--"have been engaged in educational work in some department of the public schools system of Arizona.

Mr. Jones of Maricopa: Mr. Chairman, the reason for cutting out that clause as amended by the gentleman from Yuma is that Substitute Proposition No. 33 provides that a state superintendent of schools shall be elected for a term of two years, therefore it is unnecessary to repeat it here.

Mr. Moeur: Mr. Chairman, it strikes me as very unnecessary to strike out any of it. We are not working on Proposition No. 33, and this makes it very plain, and I do not know that Proposition No. 33 is going to be adopted finally, therefore I am opposed to making any changes.

Mr. Chairman: Any further remarks on that motion? It is moved by the gentleman from Yuma, Mr. Short, seconded by Mr. Jones of Maricopa, that the words on line 4, all the words after "shall" line 6 I should say, after the word "shall" to the end of that sentence, including the word "officials," be stricken out. Those in favor will signify by saying aye; opposed no. The motion is carried. The

ords are stricken out. Any further amendments to paragraph
?

r. Cassidy: Mr. Chairman, I move that in line 9 the ords "in some department of" be stricken out as unnecessary, aking it read "engaged in educational work in the public chool system of Arizona."

r. Weinberger: I second that motion.

r. Chairman: It has been moved and seconded that the words "in some department of" in line 9 be stricken out. Are there any remarks?

Mr. Moeur: I object to that because a man might be working in the Normal School, may teach in the University, therefore he is ineligible to the office; therefore I object to striking that out.

Mr. Crutchfield: Mr. Chairman, I think Mr. Cassidy will accept striking out all the words, "in some department of the public schools system of Arizona." and he will have left, "He shall have been engaged in educational work in Arizona."

Mr. Cassidy: I do not care to accept this amendment. I feel that he should have been engaged in the work in connection with the public schools.

Mr. Chairman: The motion is on striking out the words "in some department of" in line 9. Those in favor will signify by saying aye; those opposed nay. The chair is in doubt. Those in favor will signify by rising.

Rising vote showed 14 in favor and 22 against.

Mr. Chairman: The motion is lost.

Mr. Bradner: Mr. Chairman, I move to strike out on line 7 after the words "state officials" up to line 8: "He shall have been engaged in educational work in some public school system of Arizona two years."

Mr. Chairman: I would like to point out that the words "he shall" have already been stricken out, so it now reads: The state superintendent of public instruction for two years next preceding his election have been engaged in educational work in some department of the public school system of Arizona.

Mr. Bradner: Strike out then the words "next preceding."

Mr. Chairman: That will not do.

Mr. Bradner: For two years shall have been engaged."

Mr. Chairman: As I understand the amendment is that the words "next preceding his election" be stricken out.

Mr. Roberts: I second that motion.

Mr. Ellinwood: I move to strike out the whole sentence "for two years next preceding his election he shall have been engaged in educational work in some department of the public schools system of Arizona." I have gone over quite carefully these constitutions here and I find no such qualifications. It is perfectly possible that a gentleman who has engaged in the ministry, or who is now engaged in educational work, would be the most fit man. I find no other constitution in which school teachers alone can be elected.

Mr. Moeur: I notice the gentleman from Cochise did not kick on having qualifications for lawyers who are to sit on the bench here.

Mr. Chairman: Any further remarks?

Mr. Parsons: In addition to what Mr. Ellinwood has said, I want to call attention to the fact that it might be as this territory develops we might feel equal to employing some gentleman who might come highly recommended from Harvard, who had not been at work in our territory. We might want to go away and bring fresh blood in here, and I don't think we should shut the door against it.

Mr. Bolan: Mr. Chairman, I am in favor of this officer being elected from among the teachers of our state, and I should prefer they should have some experience, that is, at least two years, simply for the reason that we want men for this position who have had training in teaching schoo. He might be one of the best educated men in the country, and not be thorough in regard to the conditions of our territory as some man who has had experience here. I am heartily in favor of having some man who has had experience in the public schools.
Mr. Standage: I think any man who should be elected to the office of superintendent of public instruction should have had experience in Arizona. We have conditions here not similar to conditions in any of the other states. We require teachers coming from the east to pass rigid examinations. The teachers in the Normal school are permitted to teach in the territory, thus making employment for all of the teachers, and I think the superintendent of public instruction should be elected from among the teachers of Arizona who have learned the conditions of Arizona.
Mr. Jones of Maricopa: I think it is rather surprising to hear the gentlemen of the bar talk about trusts when we read their judicial qualifications. (applause) If they have not sewed up the people here so they cannot import a supreme or superior judge, then I cannot read their proposition, and I think the qualifications here are certainly modest.
Mr. Sims: I take the position, Mr. Chairman, that I am opposed to creating a monopoly here at any time. I do not believe that the people here would elect a man for school superintendent who was not qualified, and if they made a mistake they would go after him with the recall.
Mr. Orme: Mr. Chairman, we have a very progressive school system, different from the east, and I think a man to be superintendent of public instruction should be very conversant with our schools and I am utterly opposed to importing anyone here to run our schools. We have as able educators in the territory of Arizona as they have in any state in the Union. We might as well let our judges come from other states.
Mr. Connelly: I believe we already have a qualification that he must be an elector of the territory, which means he shall have lived here at least one year. I am just republican enough to believe in patronizing home industry so far as school teachers are concerned.
Mr. Chairman: Are there any further remarks?
Mr. Wells: If there are no further amendments I would like to hear that section read as amended.
(Speech by Mr. Cunniff omitted and sent to him)
Roll call showed 25 ayes and 23 nays.
Mr. Chairman: The motion is carried. That disposes of the amendment offered by the gentleman from Cochise, Mr. Bradner, seconded by Mr. Roberts, to strike out "next preceding his election." The whole sentence is cut out.
Mr. Cunningham: Mr. Chairman,--
Mr. Chairman: I am in error. The words "The state superintendent of public instruction" on line 6 are not stricken out, but the words "he shall" at the end of line 9, the beginning of line 10, are stricken out. Any further amendments to this paragraph? If not the paragraph will be considered adopted as amended. Any amendments to paragraph 5?

Mr. Weinberger: Mr. Chairman, I move to amend line 17 by striking out the word "four" and substituting the word "two."
Mr. Sims: I second the motion.

Mr. Moeur: Mr. Chairman, I object to making the term less than four years. He has a great deal of work to do, and it will take him at least a year to get on to his job, and about the time he gets on he can run these schools economically he has to be re-elected or another man elected in his place, and I believe four years is plenty short enough for the term.

Mr. Connelly: I move you that we strike out all of section 5.

Mr. Jones of Maricopa: I second that motion.

Mr. Chairman: It has been moved and seconded that the whole of the first paragraph in section 5 beginning on line 16 and ending on line 19 be stricken out. Are there any remarks on the motion? Those in favor of striking out that entire paragraph will signify by saying aye; opposed no. The ayes have it. The paragraph is stricken out. Any further amendments to section 5?

Mr. Kingan: Mr. Chairman, it seems to me the same objections apply here to that part of line 21 and 22, page 3, of this paragraph as to the requiring of appointment of regents to be confirmed by the legislature. It seems to me it will work a hardship in many cases, and will cripple the work of the Universities. The board of regents is a small body. Suppose one were to die, another were to move away. The governor could not fill the vacancy until the legislature met, two years later perhaps. I therefore move you, Mr. Chairman, that the following be stricken out beginning with the word "and" being next to the last word on line 21, and down to the word "legislature" on line 22 be stricken out.

Mr. Moeur: I second that motion.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Chairman: Any further remarks? The question is on the motion of the gentleman from Pima, Mr. Kingan, seconded by Mr. Moeur, to cut out the phrase beginning at the end of line 21 and 22 "and confirmed by the state legislature." All those in favor will signify by saying aye; opposed no. The chair is in doubt. All these in favor of the motion will signify by rising. The motion is carried. The words are stricken out. Any further amendments to offer to paragraph 5? If not, the section as amended will be considered adopted. What will you do with paragraph 6? What is the pleasure of the committee in regard to that section?

Mr. Jones of Yavapai: I move that on line 6, page 4, the word "six" be stricken out and the word "seven" be inserted in lieu thereof.

Mr. Short: I second that motion.

Mr. Moeur: I would say that these people tell me that it is impossible to maintain school more than six months in some sections of Arizona where the snow gets very deep; therefore I put that down but not really because I wanted to.

Mr. Jones of Yavapai: I do not believe there is any place in Arizona where the weather is so bad but that a child can go to school seven months in the year.

Mr. Crutchfield: Mr. Chairman, I have had some experience in traveling in Arizona. I have gone over every line of railroad and most of the stage lines, and know there are periods in certain regions where it is practically impossible for the pupils to go to school more than six months in the year on account of the snow, severe rail, etc. There are places where it would be absolutely impossible to maintain school seven months in the year.

Mr. Moeur: I understand you have to have a certain per cent of attendance or they cannot keep the school up.

Mr. Standage: Also in a small school where they have less pupils than fifteen they receive but five hundred dollars, and five hundred dollars will not permit these schools to run more than six months.

Mr. Chairman: It is moved and seconded that the word "six" in line 6, page 4, be stricken out and the word "seven" be inserted in lieu thereof. Those in favor will signify by saying aye; opposed no. The motion is lost. Any further amendments to the section?

Mr. Goldwater: Mr. Chairman, I would like to ask if on line 5 the word "all" really means "all" or does it mean "each".

Mr. Chairman: I think some correction is necessary there, but I do not think we need bother about it now. Any further amendments to the section? The section will be considered adopted as amended.

Mr. Parsons: I notice there is a change in the age at which compulsory attendance at school is required. I see it provides between the ages of 8 and 16. Under our present law it is 6 and 14. I would like to ask the chairman of that committee if he has an explanation to make why this change was made.

Mr. Moeur: I would say I thought it was between 6 and 21.

Mr. Chairman: There are two ages-- one in line 7 and one in line 11.

Mr. Parsons: As I understand it now the compulsory law applies to children between the ages of 6 and 14. I see it is changed here too between 8 and 16, and unless there seems a very good reason for it I would like to offer an amendment to substitute "fourteen" for "sixteen."

Mr. Cooper: Mr. Chairman, I am not a member of the committee, but I am rather in favor of fixing the age of compulsory education, that is the beginning age at eight. As to the maximum age, as stated by Mr. Parsons, it is now fourteen years. The reason I am in favor of placing the age of compulsory education at eight is this: I know personally of a number of children who at the age of six years are and have been unable to attend school by reason of physical disability. They were not sufficiently developed at that age to stand the strain of beginning school at that time, and to compel them to go into school at the age of six might interfere seriously with their physical development, while an additional two years from 6 to 8 would develop their physical strength so they might go through with their education without being hampered by weak bodies.

Mr. Jones of Yavapai: Also in reference to those schools that are in those outlying districts where some children go a distance to school, six years will be quite young for a child to go some distance to school.

Mr. Standage: I think it should be left at six for this reason: There are some pupils that are perfectly able to go to school at six, and those who are not able to go it seems to me the school trustees are lenient and they do not force them, but I think the law should be six so that they could force those that are able to go. I would like to amend line 11 to read from 6 to 16.

Mr. Osborn: I second that motion.

Mr. Chairman: It has been moved and seconded to amend line 16 by eliminating the word "eight" and inserting in lieu thereof the word "six".

Mr. Colter: I think it should be left at eight because there is considerable difference of opinion as to whether it is best for a child to start to school before the age of eight.

Mr. Cunningham: Mr. Chairman, I would like to say that I don't think we need to rob the cradle. Eight years is young enough for a police officer to come and snatch a child from the cradle.

Mr. Standage: I would like to ask Mr. Cunningham if he ever saw anything like that happen in Arizona.

Mr. Feeney: As the father of children going to American public schools, I want to say that we were tickled to death to have them go at four.

Mr. Parsons: Mr. Chairman, I move an amendment to the amendment offered by the gentleman from Maricopa that the word "eight" remain and that the maximum be fourteen instead of sixteen.

Mr. Weinberger: I second the motion.

Mr. Parsons: I will say, Mr. Chairman, that there is a law now that provides that if a child is not physically able to go to school it is not compelled to go, but in rural districts the boy after he gets to be fourteen years old gets pretty near to where he can do a man's work, and if he had eight years attendance at school I believe there are a great many families where they would rather their boys and girls had six months in school.

Mr. Colter: I object for this reason: If we should happen to pass a bill here compelling children not to do any work until they are fifteen years of age there would be one year they could neither go to school or work. I am strictly in favor of a child going to school and I think the law should be enforced, but if he doesn't go to school for goodness sake let him work.

Mr. Jones of Maricopa: Mr. Colter made the point that I was going to make, that you had a year that the child could neither work nor go to school. I also want to call Mr. Parson's attention to the fact that he has reversed himself when he says that he knows children at the age of fourteen who can do a man's work.

Mr. Parsons! Mr. Chairman, I said that I believed that in the rural districts there were many at the age of fourteen that were considered able to do a man's work.

Mr. Standage: I think the fact that boys are able to do the work when they are fourteen years old is a good reason for having it sixteen, for I have known people to take their children out of school to work then when they would have been better off if they had been in school.

Mr. Chairman: The question is first on the motion offered by the gentleman from Maricopa, that is to cut out the word "eight" and insert the word "six ". I do not want to put that motion before I say one word myself. I have a child six and a half years old, and I would defy the constitution of Arizona, or of the United States before I would send that child two miles over a country road in the mountains to school. All those in favor of the motion will signify by saying aye; contrary no. The motion is lost. The motion is now on the amendment offered by the gentleman from Cochise, Mr. Parsons, to eliminate the word "sixteen" and substitute the word "fourteen". Those in favor will signify by saying aye; contrary no. The motion is lost. Are there any further amendments?

Mr. Coker: Mr. Chairman, on line ten, referring to the same matter, which has just been voted upon, I think it is too restrictive. I think the ages should be left to the legislature. Therefore I move to strike out, after the word "body" in line 10, down to and including the word "years" on line 11, leaving it to the legislature to determine the maximum and minimum age, at which these children can be forced into attendance upon the public school.

Mr. Osborn: I second the motion.
Mr. Connelly: Mr. Chairman, in line 11, where it says sixteen years, I move we strike out "16" and put in "15."
Mr. Parsons: I second the motion.
Mr. Chairman: It has been moved and seconded that the word "sixteen" in line 11 be stricken out, and the word "fifteen" be inserted in lieu thereof.
Those in favor will signify by saying aye; --
Mr. Colter: I want to amend that motion. Is it in order?
Mr. Chairman: No, that will be out of order. All those in favor of cutting out "16" and inserting "15" will signify by saying aye; opposed no. The motion is lost.
Mr. Colter: Everything is accomplished now that I was going to amend.
Mr. Chairman: Any further amendments?
Mr. Short: Mr. Chairman, inasmuch as this matter is fully covered by statute at the present time, and it is purely legislative, I move you that all of this paragraph beginning with "and" in line "seven" be stricken out.
Mr. Curtis: I second the motion.
Mr. Chairman: It is moved and seconded that all this paragraph under discussion beginning with the word "and" and line seven, to the end of the paragraph be stricken out. Those in favor will signify by rising. Those opposed will signify by rising.
Rising vote showed 30 in favor and 14 against.
Mr. Chairman: The motion is carried, and that portion of the paragraph is stricken out beginning with the word "and" to the end of the paragraph. Any further amendments to the section? The section then will be passed. What is your pleasure with section 7?
Mr. Osborn; Mr. Chairman, I move that section seven be stricken out.
Mr. Feeney: I second the motion.
Mr. Osborn: I would like to say it seems to me that it is purely legislative and we are telling the legislature to do something that they can do if they want to, and there is a law on the statute books today that is in full force and effect.
Mr. Ingraham: The enabling act also says that provision shall be made for the establishment and maintenance of public schools, which shall be open to all children of said state.
Mr. Moeur: If the gentleman of this convention want their children to go to school with colored children they have my permission, but I for one will never vote for white and colored children to attend the same school.
Mr. Jones of Yavapai: I think this should be in the constitution, and I do not think it comes in conflict with the enabling act, where it says schools shall be provided for the colored children as well as the white children.
Mr. Roberts: Mr. Chairman, I move that section seven be approved.
Mr. Weinberger: I second the motion.
Mr. Chairman: The motion is on the amendment that the section be approved. Are you ready for the question? Those in favor of retaining this paragraph as it stands will signify by saying aye; those opposed no. The chair is in doubt. The secretary will please call the roll.
Mr. Coker: I am in favor of all but the last sentence.
Mr. Chairman: It can be amended.
Mr. Coker: I vote aye; with the understanding that the last sentence can be amended.
Mr. Cooper: I would ask for information; is that vote on the adopting of it as it is now?

Mr. Chairman: Yes, passing it as it is now.

Mr. Cooper: I vote aye.

Mr. Ingraham: Mr. Chairman, it seems to me that the provision should call for separate schools for Japanese and Chinese. I vote no.

Mr. Short: I would explain my vote on this matter. I believe the provision is all right, if it could be carried out, but I do not understand how in small districts where you have a few colored children, and a few white children you are going to carry it out. Consequently, I vote no.

Roll call showed 22 ayes and 22 nays.

Mr. Chairman: The motion is lost.

Mr. Jones of Yavapai: I move that the committee now arise and report progress and ask leave to sit again this afternoon.

Mr. Wood: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Cunniff: Mr. President, your committee of the whole begs leave to report progress and ask leave to sit again.

Mr. President: If there is no objection, it is so ordered.

Mr. Weinberger: I move we take a recess until 1:30 p.m.

Mr. Osborn: I second the motion.

The motion prevailed.

Convention stood at recess until 1:30 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present. The convention will now resolve itself into the committee of the whole, and the gentleman from Yavapai, Mr. Cunniff, will take the chair.

Mr. Chairman: The committee of the whole will come to order. Section 7 of Proposition will be considered. What is your pleasure with regard to this section?

Mr. Osborn: I move that section 7 be stricken out.

Mr. Ellinwood: I second that motion.

Mr. Chairman: The question is on the motion to strike out section 7. Those in favor of the motion will answer aye; those opposed nay, when the roll is called.

Roll call showed 21 ayes and21 nays.

Mr. Chairman: The motion is lost.

Mr. Colter: Mr. Chairman, I would like to change my vote from aye to nay.

Mr. Chairman: The chair will rule that the gentleman from Apache is out of order.

Mr. Colter: Mr. Chairman, I move that the last sentence of that paragraph be stricken out.

Mr. Cobb: I second that motion.

The motion failed to pass.

Mr. Colter: Mr. Chairman, I move for a reconsideration of the vote on section 7.

Mr. Feeney: How did the gentleman vote?

Mr. Chairman: The gentleman voted aye.

Mr. Short: I second that motion.

Mr. Chairman: Those in favor of reconsideration of section 7 will answer aye; those opposed nay. The secretary will call the roll.

Roll call showed 22 ayes and 21 nays.

Mr. Chairman: The motion to reconsider is carried. The motion is now on striking out section 7. Those in favor of striking out section 7 will answer aye; those opposed nay.

Roll call showed 22 ayes and 21 nays.

Mr. Chairman: The motion is carried. Section 7 is stricken out. Gentlemen, what is your pleasure in regard to section 8?

Mr. Wood: Commencing at line 19, including line 20, after the word "purpose" is the exact wording of paragraph 16 of substitute proposition adopted yesterday, and since it contains this same sentence I move that this part be stricken out.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Chairman: Any other amendments?

Mr. Feeney: I move its adoption.

Mr. Chairman: If there are no other amendments the section will stand approved as amended. What is your pleasure, gentlemen, with regard to section 9?

Mr. Jones of Yavapai: Mr. Chairman, I move that in line 4 the words "and rental" be stricken out; and in line 11 the following words inserted after the word "fund" "and rental derived from school lands."

Mr. Orme: I second that motion.

The motion prevailed.

Mr. Chairman: Are there any corrections or amendments to section 10? Section 10 will stand approved since there are no corrections or amendments. Any alterations or corrections to section 11?

Mr. Cassidy: Mr. Chairman, I move you that the word "state" be stricken out in line 1, page 6.

Mr. Chairman: If there are no objections the word "state" will be stricken out.

Mr. Weinberger: I move that when the committee arises it recommend the adoption of Substitute Proposition No. 15 as amended.

Mr. Jones of Maricopa: I second that motion.

The motion prevailed.

Mr. Chairman: What is your pleasure with Proposition No. 41 and 73?

Mr. Osborn: I move they be indefinitely postponed.

Mr. Baker: I second the motion.

The motion prevailed.

Mr. Chairman: Proposition No. 100 is next. Read the report.

Secretary: (reading) Mr. President: Your committee on education and public institutions begs leave to report it has examined Proposition No. 100 and respectfully recommends that it be indefinitely postponed, as it is thoroughly covered in Substitute Proposition No. 15.

Mr. Feeney: Mr. Chairman, I move that it be indefinitely postponed.

Mr. Parsons: I second that motion.

The motion prevailed.

Secretary: (reading) Mr. President: Your committee on education and public institutions begs leave to report it has examined Proposition No. 44, and respectfully recommends that it do pass.

Mr. Chairman: The secretary will read the proposition.

Secretary: (reading) Proposition No. 44, introduced by Mr. Orme of Maricopa county, relative to charitable institutions.

Mr. Chairman: If there are no objections it will be considered section by section.

Mr. Ellinwood: Is the purpose of this bill to have all public institutions under one board of control or a special board of charities?

Mr. Winsor: That matter should be under the committee on executive, impeachment and removal from office. The legislative committee has not considered it at all.

Mr. Jones of Yavapai: It does not seem to me that we provided for a board of control.
Mr. Webb: I move the indefinite postponedment of the entire proposition.
Mr. Weinberger: I second the motion.
Mr. Baker: What charitable institutions or reformatory institutions have we?
Mr. Orme: Indian school and reform school at Benson.
Mr. Chairman: It has been moved and seconded that the entire proposition be indefinitely postponed. Those in favor of the motion will say aye; those opposed nay. The ayes have it. Proposition No. 44 is indefinitely postponed.
Secretary: (reading) Mr. President, your committee on executive, impeachment and removal from office begs leave to report it has examined Proposition No. 125 and respectfully recommends that the Proposition herewith submitted be substituted for said Proposition No. 125 and that said Substitute Proposition be adopted.

Section 1. A state examiner, who shall be a skilled accountant, shall be appointed by the governor by and with the advice and consent of the Senate for a term of four years. The state examiner shall examine the books and accounts of such public officers and perform such duties, and have such other powers as the legislature may prescribe."

Mr. Jones of Yavapai: I move that in line 3 of Substitute Proposition No. 125 the word "four" be stricken out and the word "two" be inserted therefor.
Mr. Feeney: I second that motion.
Mr. Jones: My reason for this amendment is that the governor has a term of only two years and this office cannot be for a greater length of time.
Mr. Cunningham: The members of the committee discussed this matter but thought it were best to hold the public examiner for a greater term.
Mr. Chairman: It has been moved and seconded that the word "four" be stricken out and the word "two" inserted in lieu thereof. Those in favor of this motion will answer aye; those opposed nay. The ayes have it and it is so ordered.
Mr. Weinberger: Mr. Chairman: I move that when the committee arises it recommend the adoption of Proposition No. 125 as amended.
Mr. Parsons: I second that motion.
The motion prevailed.
Secretary: (reading) Mr. President: We a minority of your committee on Judiciary begs leave to report we have examined Proposition No. 88 and respectfully recommend that section 3 and 5 of said proposition are covered by Proposition 50, section 4, by the report of the committee on labor. Section 1 and 2 shall be adopted.
Mr. Chairman: Read the majority report.
Secretary: (reading) Mr. President: Your committee on Judiciary begs leave to report it has examined Proposition No. 88 and respectfully recommends that said Proposition be amended to read as follows:

"The legislature or the people shall enact an equitable and sufficient employees liability law or laws for the protection and safety of employees in all hazardous occupations." And recommends that same be adopted. Your committee further recommends that in the opinion of a majority of your committee the above words will meet all necessary requirements and limitations. That section 2 of said proposition No. 88 with the above substitute adopted would be surplusage. That section 3, 4, 5, are fully covered by other provisions adopted or under consideration.

Mr. Webb: I would like to ask the chairman of that committee what good this provision of the majority report would do.
Mr. Cunningham: I will state it is the feeling of the judiciary committee that if such a measure were to go into the constitution this would be sufficient.
Mr. Webb: I would ask, will it accomplish anything at all?
Mr. Cunningham: I do not think it will.
Mr. Short: Mr. Chairman: I move that when the committee arises to report to the convention that the minority report be adopted.
Mr. Webb: I second that motion.
Mr. Cunningham: Mr. Chairman, I offer an amendment to that motion, and move that when the committee arises it recommend the adoption of the majority report.
Mr. Jones of Yavapai: I move that when the committee arises to report to the convention that it recommend that copies of the report of the committees, the majority report and minority reports, be typewritten and placed on the desk for tomorrow morning.
Mr. Moore: I second the motion.
Mr. Chairman: Gentlemen, you have heard the motion to postpone consideration of these reports on Proposition No. 88, until tomorrow morning and that typewritten copies of the same be placed upon the desks. Those in favor of the motion will answer aye; those opposed no. Call the roll.
Roll call showed 29 ayes and 11 nays.
Mr. Chairman: The motion is lost.
Mr. Crutchfield: Mr. Chairman, the difference between the minority report and themajority report is the legality, constitutionality and detail parts of the proposition, and I would like to read from the United States Statutes: "To recover damages for personal injuries to an employee, or where such injuries have resulted in death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employees," and from Section 5: "Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void." Now, Mr. Chairman, to protect the rights of employees against corporations I think that this measure should be incorporated in the constitution.
Mr. Webb: No one has offered the slightest reason for adoption of the majority report, and the chairman has himself said that it was not good. I believe that if we can take any man's word upon the worth of the measure we certainly could depend upon the chairman of that committee, and when he declared that it is not good then why should we waver in the postponement of the entire proposition.
Mr. Coker: I move that when the committee arises that it recommend indefinite postponement of the majority report.
Mr. Chairman: The chair will rule that the motion is out of order.
Mr. Moeur: I do not see how we can get any satisfaction out of the consideration of this proposition without the printed copies.
Mr. Chairman: The chair rules that that question has been passed upon.
Mr. Chairman: Will the gentleman from Gila, Mr. Weinberger, take the chair?

Temporary Chairman: Mr. Cunniff is recognized.

Mr. Cunniff: I am in favor of the minority report. I am in favor of something more specific in the constitution of Arizona that the majority report prescribes, and I do not think that it should be left to the discretion of the legislature. Since it is a part of the statute law of the United States so do I think it should be in our own state laws. I have here a first report to the legislature of the state of New York by the commission appointed under Chapter 518 of the laws of 1909 to inquire into the question of employers' liability and other matters and from this I read: "In brief, that law placed upon the employer the liability to compensate the employee for all damages due in whole or in part to negligence or failure of duty of the employer, as at common law before a jury, and also takes away two of the employers' common law defenses, and modifies the third. Thus, the act provides that contributory negligence of the employee shall not bar the action, but the damages shall be decreased by the jury in proposition to the negligence." I am strictly against the majority report andvery much in favor of the minority report.

Mr. Chairman: The motion before the committee is on the adoption of the majority report. Call the roll.

Roll call showed 9 ayes and 37 nays.

Mr. Chairman: The motion is lost. The question now comes up on the adoption of the minority report, and it has been requested that it be considered section by section. What will you do with section 1?

Mr. Winsor: I move to strike out the word "legislature," in line 1, and substitute therefor "the legislative power of the state."

Mr. Feeney: I second the motion.

Mr. Cassidy: It seems to me that this amendment of the gentleman from Yuma should not prevail. How can this convention instruct the people to enact a law. Yet the words "legislative power of the state" would mean the people, and it would mean the same thing as the people instructing themselves. I think it should stand just as it is.

Mr. Winsor: I believe on second thought the gentleman is right, and I will withdraw my motion with the consent of my second.

Mr. Webb: The same argument seems to me to apply to all this, if you instruct the first legislature. I move to strike out the first section, which certainly is of no effect and of no force. The second section is restrictive and is the only one which would have any effect.

Mr. Winsor: I fully agree, as I have said several times lately, our instructions to the legislature may or may not be obeyed by that body, but we have instructed the legislature in a great many cases in which it was desired to embody the principle in the constitution, and, if possible, to secure an enactment into law by the legislature, and if it is the sense of the convention that such a law ought to exist on the statute books, I see no reason to make an exception in this case. Why should we make an exception to this matter when we have instructed the legislature in other cases.

Mr. Webb: I take the position we have not instructed them in many cases, and wherever it has been done, it was done against my advice. I ask any advocate of this why the second section, restrictive as it is, does not cover the matter.

Mr. Chairman: I should like to say in answer to the gentleman from Graham we are instructing the legislature, and I trust we will keep on instructing the legislature, and personally, just as a matter of curiosity I would like to see the legislature that will refuse to obey the mandate of this convention.

Mr. Webb: As to whether or not the instructions of this convention will be obeyed, depends on whether we have a friendly legislature. I do not think all the virtues are confined to this body, and I am willing to trust the legislature, and I am going on record to leave the matter to the legislature. The second section is restrictive and accomplishes all that the two sections can accomplish. I do not see any reason why you and I should say to the future legislature "do this." It is presumptuous.

Mr. Chairman: The motion is that section 1 be stricken out. Those in favor will answer aye as their names are called; those opposed no.

Roll call showed 23 ayes and 23 nays.

Mr. Chairman: The motion is lost.

Mr. Crutchfield: I move to amend section 1 by striking out all of lines 1, 2, 3 and 4, making a capital at the beginning of line 4, with the word "any", and after the word "corporation" in line 4, insert "shall be liable" adopting the remainder as a bill of rights. Also in place of the word "such" insert "any hazardous."

Mr. Jones of Yavapai: I second the motion.

Mr. Connelly: I am not in favor of striking out any of this, for the reason that if the legislature does follow our wishes and pass a law the courts cannot declare it unconstitutional, because we have in the constitution such a provision, whereas if we did not put in anything like this the courts can say it is unconstitutional. I am in favor of the "whole works."

Mr. Webb: Every time we mention anything specifically it is a restriction on the legislature. The legislature will be forced to comply with this. When new conditions arise, it may seem best to leave this out, and every time you specifically mention a thing, you restrict rather than empower the legislature.

Mr. Feeney: For twenty-five years labor has been knocking at the doors of the legislature for an employers' liability act, and has not gotten it, and this is one method of impressing it upon them that we want it. Gentlemen claim it would not be constitutional, but I would like to know what is constitutional and what is legislative; where should the line of demarcation go?

Mr. Jones of Yavapai: I believe if this amendment is adopted, it does not make any difference whether the legislature enacts a law or not; under this the employers will be liable. Therefore I am in favor of the amendment.

Mr. Bolan: I would like to say a few words on this measure in defense of it. I am in favor of adopting this first paragraph just as it reads, because you fail to specify or name the conditions, and you might just as well cut out the rest of it. If you have this in the constitution, it specifies that the legislature shall do something in the matter of mine, smelter, street railway transportation and others of the most hazardous occupations.

Mr. Chairman: Those in favor of making this amendment will signify by saying aye; opposed no. The nays have it, and the motion is lost. Any further amendments to section 1?

Mr. Bolan: I move you that section 1 be adopted as it stands.

Mr. Feeney: I second the motion.

The motion prevailed.

Mr. Chairman: Section 1 is adopted. Are there any amendments to section 2?

Mr. Ingraham: I wish to move an amendment. It seems to me that the expression in line 18 "less than complete and wilful negligence" is not clear. I therefore would move to insert after the word "negligence" the following: "except where such injury or death shall be caused wholly by the negligence of the employee killed or injured." That is as near as may be the phrase used near the close of Section 1.

Mr. Chairman: Those in favor of making the amendment will signify by saying aye; opposed no. The nays have it and the motion is lost. Any other amendments?

Mr. Wood: On line 18 after the word "negligence" I move to strike out "less" and "complete and wilful negligence," as the expression reads "to any degree of negligence" and covers the whole thing, it seems to me.

Mr. Franklin: I would like some gentleman to explain to me a term I am not familiar with at all. I understand what the word "negligence" means, but I do not understand what anything less than negligence, or complete negligence means. This is evidently inserted for some reason. Now the terms are foreign to me and I would like some gentleman to explain.

Mr. Bolan: I think I can. In a mine there may be men working underground on the same work, in practically the same place. Some men know it is dangerous and take precautions, refusing to go to work unless reasonably protected, while others are negligent and go wilfully into a place of danger.

Mr. Wood: I withdraw my motion.

Mr. Cunningham: In the case mentioned by my colleague from Cochise, the miner assumes the risk, and he is not permitted to put up a defense. He is assuming the risk of a dangerous occupation.

Mr. Chairman: I will suggest if the gentleman will read this very proposition, he will see the assumption of risk is not permitted. I would say that this does not cover the case mentioned by the gentleman from Cochise. In underground work the risk is assumed by the employer, and there are many cases where strong, bullheaded men have been told by the foreman and by their fellow-workmen not to work in certain places, for instance not to pick the roof without standing under a timber. When they are thus wilfully negligent and are injured or killed, such men or their relatives should not be in a position to get a recompense.

Mr. Feeney: As a question of information: Would it not be much better if we absolutely and forever abolished the fellow-servant doctrine than write a section this way?

Mr. Chairman: The chair rules that the question is on the adoption of section 2 as it stands. Those in favor will signify by saying aye; opposed no. Section 2 is carried without amendment. The secretary will read the report of the minority in regard to sections, 3,4 and 5.

Secretary: (reading) "That section 4 and 5 of said proposition are covered by Proposition No. 50, section 5, by the committee on labor.

Mr. Connlley: I move that the minority report on this proposition be accepted.

Mr. Feeney: I second the motion.

The motion prevailed.

Mr. Hunt: I move when the committee arises it report back

to the convention that this proposition do pass as amended by the elimination of sections 3, 4 and 5.
Mr. Webb: I demand a division of the question, as I desire to vote against the first section for the reason that it has no force or effect.
Mr. Connelly: I see no reason for a division; we have had a vote on this before.
Mr. Webb: I would like to call attention to Rule 28, that "any member may call for a division of a question if it can be divided so that when a part is taken away a substantial question is left for the decision of the convention."
Mr. Chairman: The chair will rule to save debate, this proposition may be divided. The question will first be on section 1. All those in favor of its adoption answer aye; opposed no. The secretary will call the roll.
Mr. Goldwater: It seems to me entirely wrong that because some member wants a roll call, we should have one on a question which we have already voted. I am going to vote the same way, but I want to protest against having a roll call.
Roll call showed 29 ayes and 19 nays.
Mr. Webb: Mr. Chairman, as my good faith in demanding a roll call has been questioned, I would say that had not six or eight members changed their vote the proposition would not have failed to pass. I knew there were two members in their seats who were not here before and who would vote against the adoption of this section 1. I made the motion in good faith, expecting that the nays would have a majority.
Mr. Chairman: All in favor of accepting the committee report, recommending that section 2 be adopted, answer aye, opposed no. The motion is carried. The question is on Proposition No. 50.
Mr. Connelly: I move you that we strike out section 3 and 5 andsubstitute therefor Proposition No. 50 as amended.
Mr. Chairman: We might just as well pass on Proposition No. 50 independently.
Mr. Jones of Yavapai: I move you Proposition No. 50 as amended be adopted.
Mr. Connelly: I second that motion.
Mr. Chairman: The question is on the adoption of the minority report, recommanding tha adoption of Proposition No. 50 as amended.
Mr. Cobb: I move as an amendment that the majority report be adopted.
Mr. Parsons: I second that motion.
Mr. Chairman: The question is on the adootion of the majority report. Those in favor will answer aye; opposed no.
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Jones of Maricopa: I would like to ask some member of the committee - one of the legal fraternity - if it is not a fact that this last sentence would be nullified anyway. If it is true, it would be unwise to put it in here, and I think the matter was discussed and that Judge Baker took that position, which I think is correct.
Mr. Cunningham: I did not have any intention of making any remarks upon any report made by the judiciary committee, and I feel as though the liberties of the people ought to be protected. The constitution of the United States guarantees to the people of the United States equal protection of the law. If we here intend to write in this constitution that a man who is injured can not have the right to contract, then we are taking from him one of his

constitutional rights - that of equal protection of the law. This is in violation of the constitution of the United States. It would be of absolutely no value at all to us to write it in here. We would simply be writing that which would have no effect whatever. It would be absolutely absurd and wrong for us to do it, and therefore I raise my voice in protection of the liberties of the people of Arizona.

Mr. Bolan: The gentleman is perfectly right in certain cases, but under certain conditions there has been injustice practiced upon people who have been injured; especially in railroad accidents. I know that many who are injured on railroads receive a small compensation when they should have received larger compensation if they received their just dues.

Mr. Chairman: It has been moved and seconded that the majority report be adopted. All in favor will signify by saying aye; those opposed no. The nays have it and the motion is lost. Those in favor of adopting the minority report, adopting Proposition No. 50 as amended, answer aye as their names are called; those opposed no.

Roll call showed 27 ayes and 19 nays.

Mr. Chairman: The minority report is adopted.

Mr. Winsor: I move you when the committee arises it recommend that Proposition No. 50 be adopted as amended.

Mr. Wills: I second the motion.

The motion prevailed.

Mr. Connelly: What have we done with section 3, 4 and 5? of Proposition No. 58?

Mr. Chairman: The chair will rule that sections 3, 4 and 5 were cut out on amendments.

Mr. Ingraham: I move we adopt section 3; it has never been voted on.

Mr. Chairman: That has already been acted upon.

Mr. Winsor: I move a reconsideration of the vote. I do not think any one knows how we voted, if a vote was had.

Mr. Connelly: I second the motion.

Mr. Chairman: Gentlemen, it has been moved and seconded that we reconsider our vote on section 3. Those in favor will rise. Those opposed to reconsideration will rise.

Rising vote showed 20 in favor and 25 against.

Mr. Chairman: The motion is lost. The next business before the committee is the consideration of Proposition No. 72. Read the report.

Secretary: (reading) "Your committee on labor begs leave to report it has examined Proposition No. 72, and recommends that it do pass.

Mr. Chairman: What is the pleasure of the committee?

Mr. Ellinwood: I move the adoption of the report. I would like to say a word on the subject. The American Association for labor legislation in its report for August says "the employer's liability act by which the court and jury take responsibility for accidents is not satisfactory because (a) A tedious andcostly lawsuit is necessary. (b) The court has power (sometimes wrongfully exercised) to nonsuit the plaintiff. (c) Even in the case of recovery, one-half of the amount will be taken for expenses, which deters many workmen from bringing suit. We favor legislation without regard to negligence, for the reason that no other scheme of employers' liability act is economically sound, or ethically just." That is my position. This act was taken from an act recently passed in the State of New York, which went into effect on September 1, providing that the workmen can take compensation fixed by the legislature at a certain definite amount ($3,000 for death, and half-pay for eight years for injury, I think). He can take it regardless of negligence if he wishes, or resort to the court and sue if he sees fit. If he does not limit the liability, he still has the right to come into court and sue.

Mr. Short: I do not care whether this is taken from the State of New York, or the State of matrimony, or what act. The fact is that Proposition No. 50 says the legislature must not enact a law of this kind. It is not a matter of whether the employee wants to accept it, it is binding on him.

Mr. Chairman: Those in favor of adopting the majority report, and recommending to the convention that this proposition be adopted, will signify by saying aye; opposed no. The motion is carried. Read the report on Proposition No. 47.

Secretary: (reading) "Your committee on judiciary begs leave to report it has examined Proposition No. 47, and respectfully recommends the indefinite postponement of such proposition, for the reason, among others, that the same is legislative in character, and is capable of regulation by the legislative department. We, a minority of your committee on judiciary, beg leave to report we have examined Proposition No. 47, and respectfully recommend that it do pass."

Mr. Connelly: I move you that the minority report of the committee be adopted.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Chairman: It is the understanding of the chair that Proposition Nos. 42, 46, 122, 50, 111, and 51 and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

Mr. Jones of Yavapai: I move you that those propositions be postponed until such time as the committee of the whole may have under consideration substitute No. 21.

Mr. Short: I second the motion.

The motion prevailed.

Mr. Chairman: The next proposition before the committee is No. 108. Read the report.

Secretary: (reading) "Your committee on suffrage and elections begs leave to report it has examined Proposition No. 108, and respectfully recommends that it be indefinitely postponed. The undersigned members of your committee on suffrage and election beg leave to report they have examined Proposition No. 108, and respectfully recommend that the same do pass."

Mr. Jones of Yavapai: In explanation of that report I would say that Saturday evening, I called a meeting of the suffrage and election committee, at which there were four members present including myself, and three decided to indefinitely postpone this proposition; therefore that report was made that way.

Mr. Ingraham: In explanation of the minority report I will say that a majority of the committee has signed the minority report.

Mr. Weinberger: As this is a matter relative to elections, I do not see why we should take it up at this time. Why not take it up with the report of the committee on suffrage and election?

Mr. Jones of Yavapai: I would say there is nothing on this ine take up in the report of the suffrage and election ommittee. Therefore it can be taken up now, and thus ave time.

r. Cassidy: I would like to inquire what the object of this roposition is? I do not know any candidate for office ho has been required to pay any fee, nor have I heard nybody who wanted him to pay any fee. It seems to me t is a provision wholly unjustified by any circumstances r situation here in Arizona. It is simply encumbering he constitution just that much, if we put it in.

(Speech of Mr. Ingraham omitted and sent to him)

r. Weinberger: What law is it that requires the payment f a fee?

r. Ingraham: The direct primary.

r. Cassidy: This proposition, it seems to me, does not over the case of a primary election at all. As I understand it, the word "election" is held by the courts not to mean a primary election, but an ordinary election, and for that reason it seems to me that would not cover the case of the gentleman from Yuma.

r. Parsons: In reply to the gentleman from Maricopa, I would call his attention to the last portion of this proposition, which not only says election, but says, "Nor shall any fee ever be required by any political body or organization to have a name placed on the ballot." I want to add my mite to what the gentleman from Yuma has said. I believe it is un-American to require any man whose friends went to him to run for office, to comply with any kind of a financial or property qualification. I am in favor of a clear field and a fair fight.

Mr. Ellinwood: I am in favor of this on the ground that I am opposed to all sorts of capitation taxes; I believe in a tax on property.

Mr. Chairman: Those in favor will signify by saying aye; opposed no. The motion is carried. The secretary will read report on Proposition No. 91.

Secretary: (reading) "Your committee on judiciary begs leave to report it has examined Proposition No. 91, and respectfully recommends that the proposition be amended by striking out all the words following the word "language" on page 3, for the reason a majority of your committee is of the opinion the words stricken out would conflict with the supreme law of the land. A majority of your committee recommends that as amended the proposition do pass. We, a minority of your committee on judiciary, beg leave to report we have examined Proposition No. 91, and respectfully recommend that it do pass, for the reason we believe it is just, and trust that it is in accord with the United States Constitution."

Mr. Winsor: I move when the committee arises it recommend that Proposition No. 91 do pass as amended by the majority report.

Mr. Crutchfield: I move to amend that when the committee arises it recommend to the convention the adoption of the minority report.

Mr. Weinberger: I second the motion.

Mr. Bolan: I would make an amendment in the third line after the word "language."

Mr. Chairman: The question is on the adoption of the minority report. Are you ready for the question?

Mr. Crutchfield: Just a word before we vote. I would like to call the attention of the convention to the fact that this proposition touches the men working underground or in other hazardous occupations, and people who cannot speak the English language are especially inadequate for that work; and that any alien labor over 20 per cent in any kind of employment would be contrary to the rights of American citizens. Sometimes, not twenty percent, but 80 or 90 percent have been alien laborers, who are brought here largely by going right over the laws against contract labor, and their further employment in such large numbers should be discouraged.

Mr. Ellinwood: I would like to say just a word to put myself on the record. I have lived under conditions such that probably I have had a better chance to observe this question of alien labor than any here. My opposition to this measure is based upon the constitutionality of the provision. It is in conflict with section 1 of the 14th amendment of the constitution of the United States, that "no person within the jurisdiction of the United States shall be denied the equal protection of the law." Now the only ground on which this could be sustained is the police power of the state, which allows laws relating to the public health, public safety, or public morals. The legislature cannot under the guise of police power arbitrarily invade the rights of the people. I think this is in violation of the constitution.

Mr. Jones of Yavapai: I think this proposition as it stands goes too far. It says "no individual, corporation or association" if a farmer needed two days work, and an alien came along. He would be violating the law because he would have over 80 percent of his employees. He would have only one.

Mr. Baker: I do not wish to enlarge on what the gentleman has said upon the unconstitutionality of this law at all. I am thoroughly convinced that all this part of the section would be absolutely void and absolutely in conflict with the 14th amendment of the United States Constitution, and would simply make a laughing stock of us in one sense of the word. It is impossible that you could discriminate against laborers. Now, I cannot see that it is fair to work men underground and in hazardous places and deny them protection, and it looks to me that under the police power of the state it would not be void. The government has the right under the police power to protect the lives of men working underground, and that I wish to vote for, but the other part is unquestionably void in my mind, and I dislike very much to be driven to vote against a law a part of which I like because I am in conscience driven to vote against the minority report.

Mr. Bolan: I think all the gentlemen here who know me know I am heartily in sympathy with anything that is for the good of American labor. I have made it a point to inquire, since this bill came up, as to its legality both from lawyers, who are members of this convention, and outside, and I am perfectly satisfied in my mind that the part of this bill after the word "language" is unconstitutional. Therefore, I will regrettably have to vote against it.

Mr. Ingraham: It is plain to my mind that the first sentence is within the police power of the state, the purpose of it being to protect the lives and safety of men who are employed underground. A person who cannot understand the English language of course cannot be communicated with. He cannot understand orders, and he himself is in more danger than those who can understand the language, and he puts others working around him in danger likewise. It is also plain to me that the last sentence goes entirely beyond the police power of the state. It has been assumed that the second sentence applies to underground work; it does not; it is broader than that. It goes to the extent that any farmer who employs alien labor shall not employ more than 20 percent of alien labor. It is plainly void under the 14th amendment of the constitution. This was enacted soon after the civil war, and the purpose was that the state should not discriminate against the negro. It was drawn in broader terms, so it applies to all persons, and would apply here.

Mr. Chairman: The question is on the adoption of the minority report, that this proposition be adopted unamended. Those in favor will signify by saying aye; opposed no. The nays have it.

Mr. Winsor: I move you that the majority report be amended by adding the word "intelligently" after the word "language" in line 3, and adding the last sentence in paragraph 7: "Any violation of this sentence shall be punished as provided by law."

Mr. Short: I second the motion.

The motion prevailed.

Mr. Winsor: I move when the committee arises, it recommend that Proposition No. 91 as amended be adopted.

Mr. Bolan: I second the motion.

Mr. Chairman: You have heard the motion. Call the roll, Mr. Secretary.

Mr. Wills: I am going to explain my vote. These hazardous occupations, I am afraid, will apply to cowpunchers. I am going to vote no.

Mr. Cooper: Mr. Chairman, I voted under a misapprehension. I voted aye, I think. I want to change my vote to no.

Roll call showed 31 ayes and 15 nays.

Mr. Chairman: The motion is carried. Proposition No. 28 is next.

Mr. Coker: No. 28 was reported out of the committee on state and school lands yesterday, and I move that it be deferred until the printed substitute report of that committee comes up, probably tomorrow.

Mr. Wills: I second the motion.

The motion prevailed. The chair will entertain a similar motion in regard to Memorial No. 1.

Mr. Short: I move that the consideration of Memorial No. 1 be deferred until we have the report of committee on state and school lands.

Mr. Feeney; I second the motion.

The motion prevailed.

Mr. Chairman: What will you do with Proposition No. 95?

Mr. Winsor: I move that when the committee arise it recommend that proposition No. 95 be indefinitely postponed.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. Parsons: I move that the committee now arise and report to the convention.

Mr. Coker: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order.

Mr. Cunniff: "Mr, President, your committee of the whole begs leave to report as follows; It recommends the adoption of Substitute Proposition No. 15; recommends that Proposition No. 41 be indefinitely postponed; Proposition No. 73 be indefinitely postponed; Proposition No. 100 be indefinitely postponed; Proposition No. 44 be indefinitely postponed; Substitute Proposition No. 125 be adopted as amended; Proposition No. 88 be adopted as amended; Proposition No. 30

be adopted as amended; Proposition No. 72 be adopted; proposition No. 47 be adopted as amended by the committee with recommendation that the minority report be adopted; propositions Nos. 42, 46, 122 and 30, 111, 51 and 117 be postponed until Proposition No. 21 is on the calendar of the committee of the whole; Proposition No. 108 be adopted; Proposition No. 91 be adopted as amended; consideration of Proposition No. 28 be deferred until Proposition No. 78 is before the committee of the whole; consideration of Memorial No. 1 be deferred until Proposition No. 78 is before the committee of the whole; Proposition No. 95 be indefinitely postponed, and Proposition No. 88 be adopted as amended."

Mr. President: Those in favor of the adoption of the report of the committee of the whole will answer aye; opposed no. The ayes have it. So ordered.
That Proposition No. 15 do pass as amended. Those in favor signify by saying aye; opposed no. The ayes have it. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. Adoption of recommendation that No. 41, No. 73, No. 100 and No. 44 be indefinitely postponed. Those in favor of indefinitely postponing these four propositions will answer aye; opposed no. The ayes have it. So ordered. That Proposition No. 125 do pass as amended. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. Proposition No. 88. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. Proposition No. 72. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. Proposition No. 47. Shall it be engrossed and have a third reading? Those in favor say aye; opposed no. The ayes have it. Propositions Nos. 46, 42, No. 128, No. 30, No. 111, No. 51, No. 117 be deferred and come up with Substitute Proposition No. 21. Those in favor signify by saying aye; those opposed no. It is so ordered. That proposition No. 108 do pass as amended. Shall it be engrossed and have a third reading? Those in favor signify by saying aye; those opposed no. The ayes have it. That Proposition No. 91 follow the same course. Those in favor will signify by saying aye; opposed no. The ayes have it. Proposition No. 50 do pass as amended. Those in favor will answer aye; opposed no. The ayes have it. Shall it be engrossed and have a third reading? Those opposed will answer aye; opposed no. The ayes have it. So ordered. Proposition No. 25 be indefinitely postponed. Those in favor will answer aye; opposed no. The ayes have it. Proposition No. 28 and Memorial No. 1 are deferred until the Committee on public lands' report is taken up in committee of the whole.
Mr. Winsor: Mr. President: I ask leave to revert to the order of business reports of committees.
Mr. President: If there is no objection it will be so ordered.
Mr. Winsor: This is the final report of the committee on legislative department and we will be glad to be discharged if it is the will of the convention.
Mr. President: Not until the convention is over. If there is no objection the committee will report.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 105, recommending that the accompanying proposition be substituted for said proposition and hat said substitute proposition No. 103 be adopted.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 84, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 140, recommending that the accompanying proposition be adopted.

Mr. President: It will come up in committee of the whole.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 32, recommending that it be indefinitely postponed.

Mr. President: It will come up in committee of the whole tomorrow.

Secretary: (reading) Report of committee on legislative department on Proposition No. 37, recommending that it be indefinitely postponed.

Mr. President: It will take the same course.
Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 85, recommending that it be indefinitely postponed.

Mr. President: It will take the same course.
Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 33, recommending that said section be amended in accordance with attached amendment, and as so amended do pass.

Mr. President: It will come up tomorrow in committee of he whole.

Mr. Winsor: I move you that when this convention adjourns t adjourn to take a recess until 7:30 o'clock this vening. In making that motion I would like to call ttention to the fact that we still have before us nine propositions that we have not acted upon this afternoon, seven of which were deferred to come up with Proposition No. 21. Proposition No. 21 is printed and on our desks nd has been all this afternoon. It will take a very slight springing of the rules to place these on the calendar of the committee of the whole for tonight, and since our time is so brief and our work has been so much delayed I think we should by all means do this. The paper hat has just reached us says that the New Mexico convention has completed its labors and adjourned, and I think we should keep as near up as we possibly can.

Mr. Franklin: I second the motion.

Mr. President: I would like to say to the chairmen of committees, with the exception of the committee on revision hat I would like to have them all have their reports n tomorrow.

Mr. Winsor: Mr. President: I would like to ask unanimous consent that the propositions on our desks in printed form, and that have been here all day, be placed in committee of the whole tonight.
Mr. President: If there is no objection it will be so ordered. Those in favor of taking recess until 7:30 o'clock, signify by saying aye; opposed no. The ayes have it, and it is so ordered.
Convention stood at recess until 7:30 p. m.

NIGHT SESSION November 22, 1910.

Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: Your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 23 and respectfully recommends that said Proposition be indefinitely postponed as it is provided for in the ordinance.
Fred T. Colter, Chairman.
We concur: A.M. Tuthill, S.L. Kingan, P. F. Connelly, C.C. Jacome."

Mr. President: This proposition will come up in committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: A majority of your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 54 and respectfully recommends that Proposition do pass as amended.
Fred T. Colter, Chairman.
We concur: A. M. Tuthill, Fred T. Colter."
"I concur except as to the percentage in Sections 1 and 3, and I believe that a majority of the legislature should be sufficient and that 10 per cent initiative petition is sufficient.
P. F. Connelly."

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: Your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 54 and respectfully recommends that the minority report herewith be substituted therefor and that such minority report do pass.
S. L. Kingan, C. C. Jacome."

Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: Your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 145 and respectfully recommends that it do pass.
Fred T. Colter, Chairman.
We concur: A. M. Tuthill, P. F. Connelly, S. L. Kingan, C. C.Jacome."

Mr. President: This will come up before the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: We, a majority of your committee on schedule,

mode of amending and miscellaneous beg leave to report we have examined Proposition No. 132 and respectfully recommend that Substitute Proposition herewith submitted for Proposition No. 132 be substituted and that Substitute Proposition No. 132 do pass. "There shall be a State Sanitary Engineer, who shall be appointed by the Governor. He shall have such powers and duties as the Legislature may prescribe and shall be highly qualified in sanitation.
Fred T. Colter, Chairman.
We concur: A. M. Tuthill, P. F. Connelly, Fred T. Colter."

"Phoenix, Arizona, Nov. 22, 1910.
Mr. President: We, a minority of your committee on schedule, mode of amending and miscellaneous beg leave to report we have examined Proposition No. 132 and respectfully recommend that said Substitute Proposition No. 132 be indefinitely postponed for the reason that I am opposed to the creation of any more state officers.
S. L. Kingan."

Mr. Kingan: I request that you scratch out the reason stated thereon.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: Your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 14 and respectfully recommends that said Proposition No. 14 be indefinitely postponed.
Fred T. Colter, Chairman.
We concur: A. M. Tuthill, P. F. Connelly, S. L. Kingan, .C. Jacome."

Mr. President: This will come up before the committee of the whole tomorrow.

Secretary: (reading) "Phoenix, Arizona, November 22, 1910.
Mr. President: A minority of your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 60 and respectfully recommend that Proposition No. 60 be substituted as herein submitted and respectfully recommend that Proposition No. 60 do pass.
'The legislature shall never pass any law discriminating against any school of medicine or method of healing.
Fred T. Colter, Chairman.
We concur: A. M. Tuthill, Fred T. Colter."

r. President: This will come up for consideration tomorrow in the committee of the whole. The convention will now resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Cunningham, will take the chair.
r. Chairman: The committee of the whole will come to order.
r. Weinberger: Mr. Chairman, I move that Substitute Proposition No. 6 be taken up first.
r. Short: I second that motion.
r. Cassidy: The gentleman from Pinal, Mr. Coker, concurred with the report except as tosection 1, and I move we consider the remainder, commencing at Section 2.
r. Cunniff: I will second that motion.
r. Cobb: I accept that amendment, Mr. Chairman, and move that section 1 be made a special order for tomorrow morning.
r. Chairman: It has been moved to take up the consideration of Substitute Proposition No. 6 with the exception of Section 1, beginning at section 2, and that section 1 be made a special order for tomorrow. Those in favor of

this motion will answer aye; those opposed nay. The ayes have it and it is so ordered.

Mr. Webb: I move an amendment to the original proposition that it be placed at the head of the calendar for tomorrow morning.

Mr. Wills: I second that motion.

Mr. Chairman: Gentlemen, it has been moved by Mr. Cassidy, and amended by Mr. Webb that consideration of section 1 of Substitute Proposition No. 6 be made special order for tomorrow morning and placed at the head of the calendar. Call the roll.

Roll call showed 29 ayes and 13 nays.

Mr. Chairman: The motion is carried. The chair will rule that Proposition No. 21 shall be taken up first and all those relating thereto will be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

Mr. Cassidy: I move consideration of the majority report, section by section.

Mr. President: If there are no objections it will be so considered.

Mr. Osborn: Mr. Chairman, I move that the minority report be substituted for the majority report. There is more language in the majority report than in the minority report, which covers the grounds sufficiently.

Mr. Bradner: I second that motion.

The motion failed to pass.

Mr. Winsor: I rise to a point of information. I would like to have the chairman of the committee, who drafted this measure, explain it.

Mr. Webb: Mr. Chairman, I move you that that section be stricken out.

Mr. Osborn: I second that motion.

Mr. Jones of Yavapai: It seemed advisable to retain this section, respecting the use of the voting machine and I approve of retaining that section if we adopt that report.

Mr. Cunniff: Mr. Chairman, I do not see why that should be done or why such a motion should prevail.

Mr. Cobb: In California, just recently, there was passed an amendment to the constitution and the amendment was exactly the same.

Mr. Webb: I think the legislature can attend to this matter and I can see nothing at all to be accomplished by retaining this section. It does not appeal to me as being very reasonable.

Mr. Cobb: I think it is very reasonable. Very recently several states have adopted voting machines and we may want to adopt one some time.

Mr. Parsons: I offer an amendment that section 1 be adopted.

Mr. Cobb: I second that motion.

Mr. Chairman: It has been moved by the gentleman from Graham, Mr. Webb and seconded by Mr. Osborn of Maricopa, that section 1 be stricken out and the motion has been amended by Mr. Parsons and seconded by Mr. Cobb that the section be adopted. Those in favor of the motion will say aye; those opposed nay. The motion is carried. What is your pleasure gentlemen with regard to this section?

Mr. Cunniff: Mr. Chairman, I move that section 2 of the majority report be stricken out and section 2 of the minority report be substituted therefor.

Mr. Webb: I second the motion.

Mr. Orme: I wish to amend that motion by moving that section 2 be adopted.

Mr. Crutchfield: I second that motion.

Mr. Cunniff: I would like to point out that it is customary n constitutions, or that is in state constitutions from assachusetts to Oklahoma, inclusive, and I think it is ositively necessary that they contain such a measure s the minority report contains, and I think that Arizona an safely follow this example.

r. Jones of Yavapai: I would just like to state that he majority report has an error. This was a part of hat report, but it was left out by the printer.

r. Chairman: The question is now upon the motion of Mr. unniff, seconded by Mr. Webb, to strike out section 2 f the majority report and inserting section 2 of the inority report, and this motion was amended by Mr. Orme, econded by Mr. Crutchfield, that the section be adopted.

r. Webb: Since this explanation I think that the entleman from Maricopa will be willing to withdraw his otion.

r. Chairman: Does the gentleman wish to withdraw?

r. Orme: I withdraw.

r. Chairman: The question is on the motion of the gentle- an from Yavapai, Mr. Cunniff, seconded by Mr. Webb, that ection 2 of the minority report be inserted in lieu of ection 2 of the majority report, and that section 2 of ajority report be stricken out.

r. Winsor: I object to the proposition as it is something have not been able to decide upon.

r. Osborn: I would like to have explained what difference here is between section 2 of the majority report and hat matter of qualified electors adopted today.

r. Cunniff: I am heartily in favor of adopting this ection into the constitution and I will just say that he section which I moved to have inserted in the majority eport in lieu of section 2 of that report gives more to ork upon, and is the very best measure to adopt. I hope hat my motion prevails.

r. Ellinwood: I am heartily in favor of this section also. t seems to me that since we have already adopted the nitiative and referendum, by which the voters are to pass n laws or a good many laws, that it will be impossible for ll classes to do so intelligently unless we have an ducational qualification law. How in the name of common ense can the people pass intelligently upon their laws f they cannot vote intelligently, if they cannot speak the nglish language. I am strongly in favor of that section nd hope the motion of the gentleman from Yavapai will evail.

r. Feeney: You have today voted that no man can go down nto a mine who cannot read the English language or speak t. Are you going to say the man whom you will let engage n a hazardous occupation because he cannot read can go nto a voting booth and run this country?

r. Franklin: Mr. Chairman, the serious objection I have o this minority is that I very seriously doubt that it onforms to the enabling act. This enabling act, as I ead it, states that the educational qualification that is rescribed by the statutes of the territory of Arizona, hall not be in effect, regarding especially the officers ho are to be elected under the enabling act. I very uch doubt if it is in the province of this convention o contravene the expressions of this enabling act, and to rovide other qualifications than those prescribed. Unless have further light upon that subject I do not propose to ut anything into this constitution that is contrary to he enabling act.

r. Cunniff: I would like to ask the gentleman from Maricopa f there is anything in the enabling act which prescribed

what the qualifications of voters shall or shall not be after the adoption of the constitution?
Mr. Osborn: This provision does not go into effect until after we are admitted to statehood.
Mr. Colter: Mr. Chairman, does not the enabling act provide that the laws of 1901 shall be in effect at the first state election?
Mr. Osborn: The first state election? I believe that we are not admitted to statehood until after we hold the first state election, and after the state officers are elected the President issues a proclamation declaring Arizona a free and sovereign state. The first state election must be held under the provisions of the enabling act.
Mr. Ellinwood: I move an amendment that the following be inserted in lieu of section 2 in the majority report, being the same as the minority report save and except the first sentence: "after the first state election every male person of the age of 21 years or over possessing the following qualifications shall be entitled to vote."
Mr. Osborn: I second the amendment.
Mr. Weinberger: I would like to ask the gentleman from Cochise a question. We are going to have one election under the enabling act, and then we are going to have our first state election. Do you mean the election under the enabling act?
Mr. Ellinwood: After the first state election. The qualification of the first state election are provided in the enabling act.
Mr. Weinberger: The first state election will be the second election that we will have.
Mr. Ellinwood: The second election that we will have, yes.
Mr. Weinberger: And the present law will exist until after the second election?
Mr. Ellinwood: Until after the first election.
Mr. Osborn: Is the first election for state officers a state election?
Mr. Ellinwood: It certainly is.
Mr. Osborn: The President will not issue his proclamation until after the election for state officers.
Mr. Cobb: Mr. Chairman, I think I can cure that all right. After the first election of state officers--
Mr. Ellinwood: That will fix it absolutely. If you will just change that in accordance with Mr. Cobb's amendment. This minority report says on line 3 "that are now or hereafter may be elected by the people." That is changed to "thereafter may be."
Mr. Jones of Yavapai: Mr. Chairman, this clause in the constitution cannot have any effect on the election of the first state officers because it does not go into effect until after the President's proclamation which comes after these officers are elected; therefore it is entirely unnecessary. It absolutely cannot apply to the election of the first state officers for the simple reason that the constitution does not go into effect until after.
(Speech by Mr. Ingraham omitted and sent to him).
(Speech by Mr. Ellinwood omitted and sent to him).
(Speech by Mr. Winsor omitted and sent to him).
Mr. Franklin: Mr. Chairman, I have lost the thread of this proposition in the argument. As I understand the position of the gentleman from Cochise that after the first election of state officers we have the authority to prescribe the qualifications for electors, but so far as the election of the state officers is concerned, their qualifications are prescribed by the enabling act. Is that true,

r. Ellinwood?
r. Ellinwood: Yes sir.
r. Franklin: I am heartily in accord with that. I
elieve the enabling act is clear in that respect, and
will vote for this amendment for this reason, and
f we do anything else we are doing something repugnant
o the very thing that gives us the authority to vote.
r. Winsor: May I ask a question? Mr. Franklin, do
ou wish the constitution to state all the qualifications
f electors, closing the door against all other qualifica-
ions that might be proposed hereafter?
r. Franklin: I will state in reply that I wish the
onstitution of the state of Arizona to conform first to
he provisions of the enabling act, which grants the
uthority to make it, and next to the wishes of the people,
f the State of Arizona.
r. Winsor: That does not answer my question.
r. Franklin: And I say the provisions here in this
ection are drastic enough to suit anybody.
r. Winsor: Do you wish to close the door so that no
ore qualifications may be made thereafter.
r. Franklin: I am not concerned about closing the door.
hat I am concerned is that in the first state election
he qualifications of electors for the first officers
n the state election shall not be other than that pre-
cribed by the enabling act. After that I am not
articularly concerned.
r. Osborn: It seems to me the only reason why the
embers of this convention would vote against an educational
ualification is because they think Congress might turn
he constitution down. The gentleman from Yuma seems to
e very much exercised because he thinks that would be
he one thing that Congress would look for. In reading
he proceedings before the senate committee I would say
hat in all those proceedings not once is mentioned the
ducational qualification, and it seems to me if Congress
ad been so much exercised over this educational qualifica-
ion, Senator Beveridge at least would have made some in-
uiry into this thing.
r. Cunniff: Mr. Chairman, I am surprised at all this
iscussion, and also surprised at the amendment offered
y the gentleman from Cochise. I have in my hand the
ichigan pamphlet on elections, and I will read just a few
f the provisions: "Every male citizen of this state,
ho is a citizen of the United States, shall be entitled
o vote at any election by the people." "He shall have
esided in the state at least two years." "After the
irst day of January, 1903, the following persons, and
o others." "Every male citizen of the United States,
r male person who has declared his intention of becoming
citizen of the same." "No property qualifications shall
e required for any person to vote or hold office." "Every
erson over the age of 21 years." There is no mention
f state electors. This seems to have been drawn up in
n intelligent way.
r. Franklin: I would like to ask the gentleman if the
nabling act in these various states has prescribed quali-
ications for the election of the first state officers.
r. Cunniff: No.
r. Franklin: Arizona has done that.
r. Cunniff: That makes no difference. The constitution
f Arizona goes into effect just as the constitution of
he other states went into effect, and nothing can have
ny bearing whatsoever in regard to that election for
tate officers.

Mr. Jones of Yavapai: This convention has a sub-committee, which was appointed by the president of this convention to draw up an ordinance covering the first election of state officers. That in itself is sufficient proof that this proposition is not supposed to cover the first state election.

Mr. Winsor: Mr. Chairman, I want to point out another defect and a conflict in the amendment proposed by the minority committee as amended by the gentleman from Cochise, Mr. Ellinwood: Section 2 of the minority report states that "every male person over the age of 21 years possessing the following qualifications shall be entitled to vote," and the qualifications are named. Everyone possessing these qualifications is entitled to vote. If you will turn to section 8 you will find that no person under guardianship, non compos mentic or insane is entitled to vote. There is an absolute conflict of qualifications here.

Mr. Cobb: You will find that conflict in every constitution written in the United States.

Mr. Winsor: No, you won't. You will find the qualifications stated in the negative.

Mr. Webb: It seems to me that the two gentlemen from Yuma ought to abstain now, surely, when one has attempted to offer a further amendment, and it has not been entertained by the chair, for these defects can be corrected as soon as we have passed upon this question. I do not claim that the section will suit me altogether, but I am going to vote for it, and these small defects can be remedied as long as the question stands as it is now.

(Speech by Mr. Ingraham omitted, and sent to him)

Mr. Chairman: The question before the house is on the motion of the gentleman from Yavapai to strike out section 2, of the majority report, of this proposition No. 21, and substitute therefor section 2, of the minority report, and the motion has been amended by the gentleman from Cochise, Mr. Ellinwood.

Mr. Cobb: Mr. Chairman, just a few words; here is the report of the proceedings before the senate committee, and I wish to draw your attention to the distinction Senator Beveridge made between an educational qualification and a so-called educational qualification as provided by the statutes of Arizona. All through these proceedings you will find it was not the educational qualification but it was the discretion placed in the hands of the registering officer. Mr. Morrison was being questioned. "The chairman:

It will disqualify them before they even get to the registration officer?

Mr. Morrison: Yes sir, they will not get there at all.

Senator Hughes: That is, they do not possess the necessary educational qualifications?

Mr. Morrison: That is it.

The chairman: No.

Senator Hughes: That is what he says.

The Chairman: They do not possess the qualification named in this bill.

Senator Hughes: That is the educational qualification of this bill.

The chairman: That is the so-called education qualifications?"

They did not object to an educational qualification, but it was the discretion of the registration officer.

r. Cunniff: I would like to say one additional word trictly to the point. I cannot support the amendment if e do not provide for something behind us.

r. Chairman: All in favor of the amendment offered by he gentleman from Cochise, Mr. Ellinwood, manifest by aying aye; opposed no. The motion is lost. The question s on the motion of the gentleman from Yavapai to strike ut section 2 of the majority substitute, and substitute herefor section 2 of the minority report.

r. Winsor: Mr. Chaiman, I desire to move an amendment to his effect: That section 2 read as follows: "No persons hall be entitled to vote at any general election, or for ny office that now is or hereafter may be created by the eople, or upon any question which may be submitted to vote of the people, except the questions provided for in ection 15, of this article, which may be submitted to he vote of qualified taxpayers (unless he possess the ollowing qualifications) First: That he be a citizen f the United States, of the age of twenty-one years or ver. Second: That he shall have resided in the state ne year, immediately preceding the election, at which he ffers to vote, and in the town, county or state such time s may be prescribed by law.

r. Roberts: I second that motion.

r. Osborn: As I understand it, that does away with the ducational qualification.

r. Winsor: It absolutely does not touch it. It simply rescribes that these qualifications are necessary, and oes not place any limitation upon other qualifications.

r. Roberts: I submit that we have an educational qualifiation which will have a bearing on elections, as quick s the first state election is held.

r. Osborn: Mr. Chairman, I would like to call the entleman's attention that it says those are the qualificaions and therefore it repeals the educational qualificaion on our statute books today.

r. Ellinwood: That is what it does do. Under the enabling ct, the laws of Arizona, are to remain in force and ffect until changed by this constitution, and if you put ualifications in here prescribing what they are, you ave repealed the statutes of Arizona.

r. Winsor: I would like to ask the gentleman from Cochise hat words are used which limit the qualifications which ay be placed upon electors.

r. Ellinwood: When you say that the qualifications hall be a voter is twenty-one years of age, and other ualifications, then you have eliminated their other ualifications, and when you say a voter shall be twentyne years of age, and reside within the state, and that is ll you say, that is all the qualification it is necessary or a voter to have.

r. Winsor: Mr. Chairman, the gentleman does not undertand the reading of the proposition. The proposition tates no person shall be entitled to vote unless he has hese certain qualifications. The proposition the gentlean from Cochise has submitted, states that anybody may ote, who possesses the certain qualifications named in his proposition, or in the minority report. The amendment propose states that no person shall vote unless he has hose qualifications, and they may prescribe an indefinite umber of qualifications.

r. Cunniff: Mr. Chairman, I object to the proposition inroduced by the gentleman from Yuma, in that it does not ive anybody a right to vote, and this minority proposition s preferable, because it follows the phrasing used in all the other propositions. It seems to me the proposition introduced by the gentleman from Yuma --

Mr. Chairman: The question before the house is upon the amendment offered by the gentleman from Yuma, Mr. Winsor.

Mr. Ellinwood: Is that subject to amendment?

Mr. Chairman: A second amendment not subject to further amendment at this time. All in favor of the amendment of the gentleman from Yuma, will answer aye; as their names are called; those opposed no.

Mr. Parsons: I want to call the attention of the members of the committee to the fact that this does not provide that it be a male, but is simply a citizen of the state.

Roll call showed 13 ayes and 32 nays.

Mr. Chairman: The motion is lost. Now the question is upon the motion of the gentleman from Yavapai, Mr. Cunniff, that section 2 of the majority report on Substitute Proposition No. 21 be stricken out, and the minority section 2 be adopted instead. Call the roll.

Roll call showed 23 ayes and 20 nays.

Mr. Chairman: The motion is carried.

Mr. Ellinwood: I wish to offer an amendment to section 2, on line 12, after the last word, add the following "Provided further, that no persons under guardianship, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of treason, or felony, vote at any election, etc."

Mr. Crutchfield: I second the motion.

Motion prevailed.

Mr. Webb: Mr. Chairman: I would also amend section 2, by adding at the end of line 5, the following words: "Except on questions provided for in section 13, of this article, which may be submitted to voters."

Mr. Ellinwood: I second the motion.

Mr. Jones of Yavapai: Mr. Chairman, I do not like to see this go into our constitution. I do not think a property qualification should be incorporated in our constitution. I think a man has the right to vote, whether he owns property, or whether he does not. In the management of his government he ought to have just as much to say as anyone else, and you might as well say because he only has a lot worth $50.00 a man worth $50,000.00 should have that many times as many votes. I think it is absolutely un-American. These property qualifications have been frowned down for fifty years. We do not want to go back. This thing is going back for fifty years. Today it is a government of the people, not a government of the property owners.

(Speech by Mr. Cunniff omitted and sent to him)

Mr. Weinberger: Mr. Chairman, I move to amend the amendment by striking out the words "or taxes". I move to strike out the words "or taxes" so as to give the women a right to vote on matters concerning bond issues.

Mr. Ellinwood: Mr. Chairman, I would like to ask if in place of striking out the words "or taxes", if that ought not to be "or special assessments."

Mr. Weinberger: The wording here is "or taxes."

Mr. Ellinwood: I think it ought to be "bond issues or special assessments."

Mr. Weinberger: I will accept the amendment, so that the words "or special assessments" will follow.

Mr. Webb: I simply desire to say in answer to the criticism of the gentleman from Yuma, on section 15, that it certainly is not under consideration, and his criticism was out of order. I have not read it. I had nothing to do with drawing it, and if it is objectionable

hen we reach it, he will have opportunity to amend it
t that time.

r. Chairman: Are you ready for the question on the amend-
ent offered by the gentleman from Graham, Mr. Webb? All
hose in favor manifest by saying aye; opposed no. Call
he roll, Mr. Secretary.

oll call showed 19 ayes and 25 nays.

r. Chairman: The motion is lost, the section now is
eady for further amendments.

r. Cassidy: Mr. Chairman, I wish to amend line 6 by
nserting after the word "state" the words "or the territory
f Arizona." The reason I make this amendment is that the
irst general election will probably be in November, 1912,
nd it is not likely that any person in Arizona will have
esided in the state one year, at that time.

r. Osborn: I second the amendment.

r. Jones of Yavapai: Mr. Chairman, no officer of the state
ill be elected under this constitution for a year, or a
ear and a half, after the constitution is adopted, because
new set of officers will go in who have been elected
nder the ordinance of this constitution, when this state
omes into the Union. Therefore, the first election that
omes under this constitution will be, anyway, eighteen
onths, or two years thereafter. Therefore, that is
bsolutely unnecessary.

r. Cassidy: Mr. Chairman, it is not likely we will be
dmitted as a state before a year and a half. It is not
ossible.

r. Chairman: We won't be through with this convention
efore that time.

r. Cassidy: If that be true then the following general
lection will occur before six months after the time of
ur admission as a state.

r. Weinberger: I wish to offer another amendment, and I
hink it will be acceptable to the gentleman from Maricopa,
o that the sentence will read: "He shall have resided
n Arizona one year." That will leave the question open
s to whether it is a state or a territory.

r. Cassidy: I will accept the amendment.

r. Chairman: The question is upon the motion of the
entleman from Maricopa, Mr. Cassidy, to strike out the
ords "this state" and insert in lieu thereof the word
"Arizona." Are you ready for the question? All in favor
ill signify by saying aye. Those opposed no. The ayes
ave it.

Mr. Winsor: I move an amendment by striking out all
fter and including the word "third" in line 8 down to
he word "name" in line 9.

Mr. Short: I second the motion.

Mr. Chairman: Gentlemen, you have heard the motion of the
entleman from Yuma, to strike out in line 8 the word "third"
and in line 9 down to the word "name."

Mr. Webb: I rise to a point of order. That would leave
it practically as the amendment proposed by the gentleman
from Yuma. The only question at issue is shall the
educational qualification remain or not.

Mr. Winsor: That was not the question at all before. That
was a negative proposition I submitted and this is an
affirmation. I move to strike out.

Mr. Osborn: I would like to ask the gentleman from Yuma
his reason for wanting to strike out the educational quali-
fication.

Mr. Winsor: Simply I do not want the educational qualifica-
tion in the constitution.

(Speech by Mr. Cunniff omitted and sent to him)

Speech by Mr. Winsor omitted and sent to him)

Mr. Cobb: The substitute proposition which you introduced would not repeal our present law.

Mr. Winsor: You are right.

Mr. Cobb: Do you think we could hood-wink Congress? Why not say plainly in our constitution we believe in an educational qualification instead of leaving it on the statute books?

Mr. Winsor: I cannot say how strict congress is. I simply know what action they have taken.

Mr. Connelly: I cannot see after listening to all this pro and con talk (mostly con) that it has done any good. I do not see any use of taking any chance; let us let our legislature fix that up.

Mr. Ellinwood: If you pass this resolution the legislature cannot pass an educational qualification, and that is the end of it.

Mr. Winsor: In reply to the gentleman, he has just confessed what I charge; he is placing here a qualification which absolutely closes the door. This is no place to close the door on questions of this sort. I would like to ask further what has come over the spirit of the gentleman since he introduced Proposition No. 51, which provides that this educational qualification should not apply to voters able to vote at the time of admission.

Mr. Ellinwood: I would say I thought that was as far as I could go. I found the sentiment of the convention is different, as I always was in favor of this proposition.

Mr. Ingraham: I consider this absolutely the most dangerous thing this convention has had under consideration, without question.

Mr. Parsons: I do not like to take up the time of this body, but the gentleman has said how important he thinks this is. I think it is the most rediculous exhibition of foolishness--

Mr. Winsor: That is getting pretty personal.

Mr. Parsons: I am talking about the argument, not about your person. I say that the proposition that congress would refuse to accept our constitution on the ground taken here is the most rediculous talk I have heard in this convention (and that is saying a good deal.) I am in favor of the amendment. I am in favor of having an educational qualification for the reason that I have always, ever since I was old enough to know what a ballot was, believed that no ballot should go into the box that did not register an honest opinion. (applause) I was in favor of this before I heard of the initiative and referendum, and I hope it will prevail.

Mr. Chairman: The motion of Mr. Winsor is to strike out beginning on the 8th line, the rest of the paragraph. Those in favor of the motion will answer aye, as their names are called; those opposed no. The secretary will call the roll.

Roll call showed 21 ayes and 23 nays.

Mr. Chairman: The motion is lost. If there is no amendment to section 2, it will be adopted, and we will pass on to section 3., If there are no alterations the section will stand approved as read. What will you do with section 4? If there are no objections the section will stand approved as read. It is approved. If there are no objections sections 5 and 6 are approved. Any objections to section 7?

Mr. Jones of Yavapai: I move you that Section 7 be stricken out, for the reason that yesterday we passed Substitute Proposition No. 61, which covers that ground.

Mr. Osborn: I second that motion.

The motion prevailed.

r. Ellinwood: I move to strike out section 8 because it s incorporated in section 2.

r. Osborn: I second that motion.

he motion prevailed.

r. Roberts: I move to strike out section 9.

r. Weinberger: I second that motion.

he motion failed to pass.

r. Cassidy: I move that that part of section 9 beginning ith the word "provided" in line 12 to the end be stricken ut, because that is provided for.

r. Weinberger: I second the motion.

he motion prevailed.

r. Chairman: If there is no objection to section 10 it ill stand approved as read. It is approved. Any objections o section 11?

r. Connelly: Is there a special committee figuring that ut?

r. Osborn: That special committee is to provide for the irst election of state officers after the proclamation.

r. Chairman: If there are no further objections, Section l will stand approved as read. What will you do with ection 12?

r. Winsor: I suggest a correction, that in line 3, page , the word "to" be changed to "in."

r. Chairman: Without objection, the secretary will make he change. Any further objections concerning Section 12. f not, it will stand approved. Any suggestion to be ffered concerning Section 13? If not, it will stand pproved. Any suggestions to Section 14? If not, it will tand approved as read.

r. Connelly: I would like to refer back to section 13 or information. Would the general election of state, ounty and precinct officers bar us from voting for congressmen and senators? The United States Constitution provides e shall elect congressmen and senators; therefore, I did ot think it worth while to provide in our constitution or that.

r. Chairman: Hearing no objections, Section 14 will be dopted as read.

r. Cunniff: I move Section 15 be stricken out.

r. Parsons: I second the motion.

r. Weinberger: I move to amend by striking out "or taxes," n line 11, and insert in lieu thereof "or special assessments."

r. Cunniff: If the motion to strike out prevails the thers will be unnecessary.

r. Chairman: It will be more expedient to pass on that irst.

r. Cunniff: I do not like to take up time, but I should ike to point out that our sister state of California has rrived at its present stage of development and wealth ith this provision, and if she can afford to have a proposition like this, we can afford to be as democratic as alifornia.-

r. Connelly: The last republican platform in California as woman suffrage.

r. Chairman: We are not passing on platforms. The question efore the house is the motion of Mr. Cunniff to strike out ection 15. The secretary will call the roll.

r. Cunniff: I should like to say in all sincerity I hope o be able to sign the constitution, and I hope to be able o urge the adoption of this constitution, and I have erious doubts if I can if that proposition goes in.

r. Ingraham: Unless that goes in, you won't have any onstitution.

Mr. Connelly: If it goes in, I am not sure I will sign it.
Roll call showed 21 ayes and 19 nays.
Mr. Chairman: The motion is carried. Section 15 will be stricken out.
Mr. Parsons: I move the committee do now arise.
Mr. Cunniff: I amend that the committee do not arise and report a recommendation that this proposition be adopted as amended.
Mr. Connelly: I second that motion.
The motion prevailed.
Mr. Chairman: The committee will now arise.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Cunningham: Mr. President: Your committee of the whole begs leave to report it has examined Substitute Proposition No. 21 and respectfully recommends that said proposition, Substitute No. 21, be adopted as recommended by the committee of the whole.
Mr. Cunniff: I move the report be adopted.
Mr. Osborn: I second the motion.
The motion prevailed.
Mr. President: Shall it be engrossed and have a third reading? Those in favor answer aye; opposed no. The ayes have it, and it is so ordered.
Mr. Connelly: I move we adjourn to 9:30 tomorrow.
Mr. Parsons: I second that motion.
The motion prevailed.
Convention adjourned to 9:30 a. m. November 23, 1910.

JOURNAL, November 23, 1910. 9:30 a. m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. President: If there is no objection the convention will now resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.
Mr. Chairman: The committee will come to order. The secretary will read the calendar for the day for the committee of the whole-- the first number.
Secretary: (reading) "Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 6, recommending that the substitute Proposition No. 6 be adopted."
Mr. Chairman: You have heard the report of the committee. What will you do with section 1 of substitute proposition No. 6?
Mr. Osborn: Mr. Chairman, I move you that in line2 that the word "nineteen" before the word "members" be changed to "fourteen", and in the remainder of the paragraph wherever the figure "2" comes before the word "senator" that it be changed to "1".
Mr. Short: I second the motion.
Mr. Cassidy: Mr. Chairman, I move an amendment. As the proposition now stands it gives the larger counties only two senators and the smaller counties one senator. It gives

the smaller counties a much larger proportionate representation than it does the larger counties. Now, it is proposed to make this inequality a great deal greater than it now is. I am utterly opposed to this amendment. (Speech by Mr. Osborn omitted, sent to him).

Mr. Lynch: Mr. Chairman, the remarks of the gentleman from Maricopa are not only theoretically correct but they are correct from a political standpoint. So far as the theory of a dual house and senate is concerned, it has been conceded that it should be based upon the unit of representation. We have had a legislative committee working on the most delicate and intricate proposition that we have to contend with, that of apportionment. They have brought in this report, and so far as I can see from every point of view it is as fair as can be made. There is no absolute scale which can be made with absolute fairness to all counties. Therefore, I believe in standing by the report as presented, and will urge that the committee's report, which is the fruit of their work for days, be accepted without amendment.

Mr. Chairman: Gentlemen, you have heard the amendment of the gentleman from Maricopa, Mr. Osborn, whereby he proposes to insert "14" instead of "19" in the second line, and that wherever the figure "2" occurs before "senator" it be changed to "1". Those in favor of the amendment will answer aye as their names are called; those opposed will answer no.

Roll call showed 18 ayes and 29 nays.

Mr. Chairman: The amendment is lost.

Mr. Cobb: I move an amendment to section 1, that "19" be stricken out, and "17" be substituted therefor, and that "one" be placed before every county except Cochise, Maricopa and Pima, and "2" be placed before those counties.

Mr. Osborn: I second the motion.

Mr. Winsor: I would like to ask the gentleman what he bases that on?

Mr. Cobb: I am basing it upon population, the same as every state in the union which is represented in Congress. Now, the reason that I suggest that two senators be given to these counties is on account of the large break in population in Yuma county with 15,996 to Pima with 28,108, Cochise with 34,591 and Maricopa with 34,488; the next Yavapai with 15,977, the next Gila with 16,780 and Greenlee with 14,818. There is only about 1,000 difference between Greenlee and Yavapai, and yet according to the report of the legislative committee Greenlee gets one senator and Yavapai two and Gila two.

Mr. Weinberger: Mr. Chairman, may I ask the gentleman a question? How many voters have you in Greenlee county?

Mr. Cobb: It doesn't make any difference. I would like to tell the gentleman that for years the republican party has been trying to strike down the representation in the south because they did not have the voters in the south, and the democratic party has always fought it.

Mr. Cunniff: Mr. Chairman, I would like to call attention to the scheme already adopted in an effort to arrive at some sound basis of accurate figures. In discussing this matter we found that Apache had about 10,000 population and about 600 voters, and there seemed to be a gross disproportion there. We have no means of knowing how that disproportion exists in other places.

Mr. Feeney: Mr. Chairman, is an amendment in order? I move that section 1 stand approved as read, as amended.

Mr. Coker: Mr. Chairman, I ask for a division of the question on representatives and senators.

Mr. Chairman: Division is asked for and the chair is in doubt as to the possibility of extricating the vote on representatives and the vote on senators but rules that it should be fair to consider them separately.

Mr. Goldwater: I desire to point out that while this minority report is only signed by one member of the committee, still it is of considerable size and should have considerable weight. (applause.)

Mr. Webb: Mr. Chairman, I desire to say that as the minority report recommends nothing, no action can be taken on it. It simply does not concur.

Mr. Chairman: The chair will hold that it is fair to have a division of this question and will vote first on representatives if the gentleman desires.

Mr. Weinberger: How are you going to divide this question? In a division usually you divide one portion of a paragraph from another. How are you going to divide this question?

Mr. Chairman: If you leave it to the chair, the chair will hold that in the vote for Senators these figures touching senators, if the majority report is approved, they will stand as they are.

Mr. Winsor: Mr. Chairman, I would suggest that that very question has already been voted upon; an amendment touching upon senators has been proposed and defeated. I do not see how you can have any further vote.

Mr. Webb: I have not the slightest objection to any sort of a division that a fair expression of this committee may be had, and I would suggest that the question be divided as the chair has ruled it should be, and on the motion of the gentleman from Cochise, Mr. Feeney, the first question will be, "shall the committee when it arises recommend the adoption of that part of section 1, which provides they will be apportioned as apportioned in section 1. Those who vote aye will vote for sustaining the number and apportionment of senators as proposed here.

Mr. Chairman: The question before you will be the question of senators-adopting the report of the committee as it stands now for senators in the first part of this section. The question is asked for and roll is demanded. Thosewho favor the report of the majority committee as it now stands giving a senate of nineteen members apportioned among the counties as the report shows - Section 1, second paragraph shows,- will make it known by saying aye when their names are called. Those opposed no.

Mr. Jones of Maricopa: Mr. Chairman, I want to explain my vote. I am not in favor of any senate or senators. I vote aye on this however to get it out of the way.

Roll call showed 35 ayes and 14 nays.

Mr. Chairman: The ayes have prevailed.

Mr. Coker: I would like to make an amendment.

Mr. Webb: Until both parts of the question have been put, nothing is in order.

Mr. Coker: I beg to call your attention that the division on this question took away with it the first motion of Mr. Cobb, therefore an amendment is now in order, an amendment to the question now pending.

Mr. Webb: My point of order is, that with a motion pending no amendment and no debate is in order and the vote is partly taken on this.

Mr. Coker: Mr. Chairman, a different condition now exists than existed when the other vote was taken, I insist that we are entitled to an amendment at this time.

Mr. Chairman: The chair will rule that the amendment is out of order.

Mr. Coker: Mr. Chairman, I make a motion that this motion now be laid upon the table.

Mr. Webb: Mr. Chairman, no motion is in order with a question partly settled. Until that is finished, nothing is in order.

Mr. Chairman: The chair will so rule.

Mr. Osborn: I think it is manifestly unfair to cut off debate on this proposition of these representatives. That part of the question was not debated at all. If you want to bring in a question here to work the "gag rule" on us, all right, but I do not think that is democratic. I would like to say that I see something here that is unfair. Cochise with only 103 more people than Maricopa gets one more representative.

Mr. Cobb: Mr. Chairman, you have cut off amendments on this by your first decision, and I appeal from the decision of the chair.

Mr. Chairman: The decision of the chair is appealed from.

Mr. Webb: I ask which decision. He cannot appeal from the decision of the chair after the vote has been taken.

Mr. Chairman: I will not entertain an appeal from the first decision.

Mr. Cobb: The last one, I said.

Mr. Chairman: The chair has decided that no amendment is in order upon the division. The chair has not held, no debate is in order, but no amendment is in order, and the gentleman from Graham, Mr. Cobb, appeals.

Mr. Cunniff: There has been no second to the appeal from the decision of the chair.

Mr. Osborn: I seconded it long ago.

Mr. Chairman: I will ask Mr. Keegan to take the chair.

Temporary Chairman: You have heard the motion on an appeal. All in favor of the chair being sustained, will stand up, those opposed stand up.

Rising vote showed 35 ayes and 6 nays.

Mr. Chairman: The chair is sustained.

Mr. Chairman: What is your pleasure?

(Speech by Mr. Osborn omitted and sent to him)

Mr. Cunniff: Mr. Chairman: I would like to say, we tried to be fair but we had to get some kind of a basis to work on and the only sound figures we had to work on was that Cochise had something like 700 more votes than Maricopa county.

Mr. Osborn: Mr. Chairman, that is possibly true, but it seems to me we are getting away from the sound basis when we take the votes cast. We have been trying to follow out the constitution of the United States, and I think the majority of the members have been trying to follow the provisions of the constitution of the United States, but when it comes to apportionment, they have taken other basis. It seems to me that this was made in the interest of two or three counties in this territory.

Mr. Weinberger: I will say that Maricopa county had a representative in that legislative committee, and that committee worked faithfully for a considerable time in getting a fair basis for every county, and if you are going to chop this thing in two, we will be here for two months because every county will take exception and I believe the committee's report ought to be sustained. Every county was represented and every one had a voice before this report was recommended.

Mr. Sims: Mr. Chairman, I would like to ask the gentleman from Yavapai, Mr. Gunniff, in the spirit of fairness, if he thinks his county with 15,996 population is entitled to the same representation as Cochise with 33,459.

Mr. Cunniff: Mr. President, I would like to say that the gentleman from Yavapai does not agree that the population is that. The population of Yavapai is considerably more than that. I should say in this report Yavapai does not get the same representation that Cochise county has.

Mr. Sims: In the senate?

Mr. Cunniff: That has already been settled.

Mr. Sims: If my figures are correct, under the conditions of this bill we have fifty-four officers, which will cost this territory $500 a day, which would be $30,000 for the sixty days session.

Mr. Coker: Mr. Chairman, in answer to the statements of some members of this committee that all counties were fairly represented, and that they tried to arrive at a fair apportionment, I will state all counties were represented except Greenlee and Graham county, which had two representatives, and I assume that when this committee was made up that all the persons thought that Greenlee had not been segregated at that time.

Mr. Cobb: Greenlee was misrepresented.

Mr. Coker: Mr. Chairman, but the smaller counties could not get a fair deal in this committee. Our county has 9000 population. Yavapai has 15,000. Yavapai has three times the representation that Pinal has. Yuma has 7000 in population, and has one more representative than Pinal has. Cochise county has 34,000 and yet has seven times the representation that Pinal has, and only four times the population. Where is your equality and fairness? I insist, Mr. Chairman, that this apportionment is manifestly unfair.

(Speech by Mr. Winsor omitted and sent to him)

Mr. Coker: Mr. Chairman, on the same line of argument I beg to point out to the convention that the number of votes might be accounted for on account of the railroad construction going on in Yuma.

Mr. Colter: I would like to impress upon Mr. Winsor's mind that we do not vote Indians in Apache county.

Mr. Winsor: Itnis very evident you do not, Mr. Colter.

Mr. Jones of Maricopa: I simply want to say I agree with the gentleman from Cochise, Mr. Sims, that we are rushing headlong into a proposition here of increasing our legislature from 36 to 59 after we have made provision for the people of the territory to enact laws, and the whole thing looks to me to be absurd. I am very much in favor of eliminating the senate. It appears to me that almost all the states in the union are trying to get rid of their senates, and we ought not to try to create one. When the time comes I shall move, and ask for a roll call, on the elimination of the senate, making the body a house of representatives consisting of thirty-five members apportioned as they are apportioned here, and I think this convention could not do a better work this morning than to do that very thing. It will eliminate lots of unsatisfactory legislation and the shifting from one house to the other of responsibilities.

Mr. Cobb: Mr. Chairman, I think probably I can explain the difference in the vote in Yuma county and in Pinal. They have to work harder for their election over there and need more votes in Yuma than in Pinal. I want to call attention again to the fact that Greenlee had no representation, and the population of Greenlee is almost the same as Gila and Yavapai, and yet Gila and Yavapai get double the representation in the Assembly.

Mr. Sims: Mr. Chairman, I would like to state further that it seems to me, at the rate that we are creating offices here it would be well to check up our list of offices against our population. We will have more offices than we have voters.

Mr. Lynch: Mr. Chairman, I cannot see how the objection to creating offices can be valid, because every one of these gentlemen who are speaking against this measure wanted more representation from their counties.

Mr. Colter: Mr. Chairman, I will say that if the larger counties will reduce their representation the smaller counties will not object. They are in favor of smaller representation, but as long as the larger counties insist on the unfair representation the smaller counties shall certainly object.

Mr. Cunniff: Mr. Chairman, I would like to say that the last act of the committee in making up this apportionment was to cut off one representative in the lower house from every one of the counties.

Mr. Sims: Mr. Chairman, I would like to state that I voted to cut these down.

Mr. Osborn: Mr. Chairman, I might say to Mr. Lynch that I tried to cut my own county down. I think I tried to dispel that idea that Maricopa was trying to "hog" everything in sight.

Mr. Cobb: Mr. Chairman, I want to answer Mr. Lynch, too. If I had been permitted to offer an amendment I meant to offer one calling for 29 instead of 35.

Mr. Webb: Mr. Chairman, I want to say that there are members of that committee who are not supporting this proposition, who fought for weeks to work that down, and we did work it down from 60 to what it is, and if it had been reported in 60 I question whether it would not have carried.

Mr. Coker: Mr. Chairman, I would say that the representatives of the larger counties tried to reduce the percentage by taking it from the smaller counties and leaving the larger counties as they are.

Mr. Orme: Mr. Chairman, I would beg the gentleman's pardon, but I voted to cut all these down, and if it is in order, I would like to move that we take the same representation that we have in the territory today.

Mr. Chairman: The chair will rule the motion is not in order.

Mr. Sims: I would like to ask the gentleman from Graham a question.

Mr. Webb: With pleasure, sir.

Mr. Sims: Do you think that we could cut all these down without doing an injustice to any county in the territory, and get the same result? Do you not think it would be just as fair if each county was cut down in proportion?

Mr. Webb: I will say that I personally fought for smaller membership in the legislative bodies from beginning to end, but out of all the innumerable propositions that were presented we finally agreed to this, thinking it was the best that we could get.

Mr. Chairman: The question is called for, gentlemen. Those in favor of the majority report on representatives, leaving it stand as it is now, will vote aye, as their names are called, those opposed will vote no.

Roll call showed 35 ayes and 14 nays.

Mr. Chairman: The motion is carried.

Mr. Coker: Mr. Chairman, I now make a motion to reconsider the motion just voted upon. I wish to state that I do this for the purpose of making an amendment to reduce the number of representatives. If these people from the larger counties are consistent in their statement as to an economical number of representatives, based upon the population, this will give them an opportunity to vote upon it.

Mr. Sims: I second the motion.

Mr. Chairman: Are you ready for the question? Those in favor of reconsidering the action just taken will make it known by rising. Those opposed will rise.

Rising vote showed 12 in favor and 26 against.

Mr. Chairman: The motion is lost.

Mr. Osborn: I would like to ask if there is any hypotist on this committee.

Mr. Webb: In answer I would say there was a member of the committee that we have heard called an hypnotist.

Mr. Coker: It seems to me the spirit of Madison and the spirit of Jefferson work in harmony this morning.

Mr. Jones of Maricopa. I note with some surprise that we have more representatives and senators than we have members in this convention, and of course that is unnecessary. Fifty-two is all we ought to have to take care of everybody here. I move you, Mr. Chairman, that all reference in section 1 to senators---

Mr. Webb: Mr. Chairman, I rise to a point of order. It takes a reconsideration to bring that before us again.

Mr. Jones of Maricopa: That is a new motion.

Mr. Chairman: The chair will give Mr. Webb the floor to state his point of order.

Mr. Webb: I think the gentleman from Maricopa must have forgotten what the proposition was. It was that when this committee arise it report back to the convention that it had examined section 1 of Proposition No. 6 and recommend that it do pass. The motion was made, and I appeal to the records.

Mr. Chairman: The record upon Mr. Feeney's motion is asked for.

Mr. Osborn: I think Mr. Feeney made a motion; at least he started to make one, but the gentleman from Graham made it for him.

Mr. Jones of Maricopa: My motion is an entirely new matter. I maintain that the point of order is not well taken if even the record should show---

Mr. Chairman: The records show the motion was made to adopt section 1 and the convention has sustained the motion and refuses to reconsider. The chair rules that any other motion is out of order.

Mr. Osborn: Mr. Chairman, is not that applying the "gag" rule? It is not unfair that a member should move to adopt this entire proposition favorably, and give us no opportunity to debate?

Mr. Chairman: The chair will hold that no other motion to amend is in order, and the chair is not to blame for this unfortunate situation because the house itself made the motions and they came up in their order.

Mr. Jones of Maricopa: This convention has had no opportunity to vote on a question that I believe a great many are in favor of. That objection has been eliminated. If that motion was made I failed to catch the motion. I understood were voting on the number of representatives. The question was to be divided, and we were to vote on the number of representatives and then senators, and if that is true it was done in a very small tone of voice. I maintain that this convention has a right to change this entire system, and that this thing should not be forced through in this way. I think every man in this convention will go home ashamed of this representation we have put here.

Mr. Cunningham: Mr. Chairman, I would like to ask what question is before the house. The chair holds that there is no amendment possible to section 1 at this time, and section 2 is before you.

Mr. Coker: I would like to be heard, Mr. Chairman.

Mr. Chairman: Has the gentleman from Pinal a motion to make?

Mr. Webb: If I am called upon to speak any further, I can simply say I am still opposed to pushing this motion any farther and if it were voted upon a thousand times I believe it would still bring a similar result. It has had two or three votes now and with the same result.

Mr. Chairman: If there are no objections the chair will suggest that the gentleman from Pinal be given opportunity to make the motion.

Mr. Jones of Maricopa: I move now that the house of representatives and Senate be limited---

Mr. Weinberger: Mr. Chairman, a proposition has been introduced by Mr. Cassidy relative to the Senate.

Mr. Cassidy: While I introduced a Proposition that did not provide for a senate, I am in favor of having one house and having that of a small number in membership. I think it is absolutely impossible to do any better than this. We have thrashed this over and over in the committee for three weeks, and this is the best that it ever arrived at, and it will have the desired effect. I am in favor of supporting the report by the committee as it is the best proposition we can obtain. In reading other constitutions I find that in Wyoming there is provided for in the senate 16 members and 35 representatives. North Dakota has 30 Senators and 60 representatives. I have not investigated the western states but I presume they would compare along these lines. In providing for 54 members of the legislature we will have as small a number as has been provided for in any state in the union and yet it is amply large to take care of the work of that branch of government.

Mr. Coker: Will the gentlemen state the population of these states when they were admitted into the Union?

Mr. Cassidy: I have no figures on that question.

Mr. Jones of Maricopa: With the initiative and referendum I would be in favor of this.

Mr. Parsons: I beg to call your attention to the state of Nebraska. When it was admitted into the union it was a great American desert. The house of representative consisted of 108 members and the senate 84. We want no such a body as that.

Mr. Coker: Is there an amendment to section 2? If not, I ask unanimous consent to offer an amendment to section 1. Is there an amendment before the house?

Mr. Chairman: I think that the gentleman from Maricopa desires to re-state his amendment.

Mr. Jones of Maricopa: I move to amend that all reference to senators be stricken out and that the words "The senate shall consist in line 1, section 1, "of 10 members" and "in line 2 section 1 and the words, "which senators and representatives."

Mr. Cassidy: I second that motion.

Mr. Chairman: All those in favor of the amendment offered by the gentleman from Maricopa, Mr. Jones, will answer aye; those opposed nay.

Mr. Osborn: Mr. Chairman, I cannot see the reason for this, I do not like to see this old system thrown out, the system by which area is represented and leaving the population representation alone in the legislative body.

Mr. Chairman: The secretary will call the roll.

Roll call showed 10 ayes and 39 nays.

Mr. Chairman: The motion is lost.

Mr. Winsor: I am an adherent of the single house idea but I cannot see how we can provide for that now.

Mr. Hunt: I am very much in favor of having a single house and I think it will be only a matter of time until we do have one and for this reason I voted no.

Mr. Coker: In the interest of economy and in the interest of the people I voted aye, but I would further state that in the same interests I move that this matter of senatorship be limited and I desire to change the number "19" in line 2, Section 1, to "14", and I further move that the apportionment of the representative be at the rate of one for each 10,000 population or a majority fraction thereof.

Mr. Wills: I second the motion.

Mr. Chairman: Those in favor of the motion of the gentleman from Pinal, Mr. Coker, will answer aye; those opposed nay, as the roll is called.

Roll call showed 18 ayes and 31 nays.

Mr. Chairman: The motion is lost.

Mr. Coker: I move the figure "1 " in line 12 after the first word "senator" be changed to "2" and the figures "35" in line 2, section 1, before members be changed to "36".

Mr. Weinberger: Is this in the interest of economy?

Mr. Coker: This is the same kind of economy that the members of this committee have voted for tonight.

Mr. Parsons: I second the motion of the gentleman from Pinal.

Mr. Webb: I certainly oppose the method of apportionment, as I think that there was no discriminating in the apportionment for Pinal county. I think the method used is a good one and cannot be bettered by the proposed amendment.

Mr. Chairman: Those in favor of the motion will rise. Those opposed now rise.

Rising vote showed 7 in favor and 27 against.

Mr. Chairman: The motion is lost.

Mr. Chairman: Are there no corrections or amendments to section 2?

Mr. Parsons: I move that the word "state" in line 12, page 1, be changed to read "Arizona."

Mr. Weinberger: I second that motion.

The motion prevailed.

Not Ingraham - No sir.

Mr. Ingraham: I move that the words "twenty-two" in line 18 be changed to "twenty-one."

Mr. Jones of Yavapai: I second that motion.

Mr. Hunt: I move to amend and make it twenty-five as I do not think any boy of 21 should come to the legislature and make laws.

Mr. Keegan: I second that motion.

Mr. Chairman: The question before the committee is to change the words "twenty-two" to "twenty-one" amended by Mr. Hunt to change the words "twenty-two" to "twenty-five". Those in favor of the motion will please rise; those opposed the same, arise.

Rising vote showed 29 in favor and 12 against.

Mr. Chairman: The motion has carried.

Mr. Winsor: I move to amend by striking out the word "five" in line 18 and inserting the word "three", for the reason that some of our most useful citizens, for instance Mr. Cunniff, whom I know we would all very much like to see in the first State Legislature, are barred by this provision. Therefore, I offer the amendment.

Mr. Orme: I second that motion.

Mr. Cunniff: I would just say not for my own benefit, but for the reason that I believe that most of the state place the number of years at three rather than five or higher because it invites a good and higher class of citizens to come into the state, and is a very good law, or it has proven so according to the record of other states, if this can be any guide to us.

Mr. Chairman: It has been moved and seconded that the word "five" in line 12 be stricken out and the word "three" be inserted: Those in favor of the motion will say aye; those opposed nay as the roll is called.

Roll call showed 29 ayes and 17 ayes.

Mr. Chairman: The motion prevails. Are there any other corrections to this section? Hearing none we will pass on to the next section. Any amendments or corrections to section 3? Are there no corrections or amendments to section 4? What is your pleasure with section 5?

Mr. Parsons: I suggest that in line 2, the word "under" be changed to "within".

Mr. Cunningham: I second that motion.

The motion failed to pass.

Mr. Chairman: Any objections to section 6? Any objections to section 7?

Mr. Cunniff: I move that the word "whatever" be stricken out.

Mr. Goldwater: I second that motion.

The motion prevailed.

Mr. Chairman: Are there no objections to section 8? If there are none, we will pass to section 9.

Mr. Weinberger: I move that we strike out the word "meet" in line 8, section 9.

Mr. Keegan: I second the motion.

The motion failed to pass.

Mr. Chairman: Any objections to section 10? If there are no objections we will pass on to section 11. What will you do with section 12?

Mr. Cunningham: I would like to know why this is filed with the governor and not with the secretary of state.

Mr. Winsor: Inasmuch as it is the governor, who passes upon measures after the legislature has passed them, it is customary to file them with the governor.

Mr. Franklin: I do not understand that to be the purpose of this when the bill is filed with the governor. After a measure is passed by the legislature and signed by the governor, it is filed in the office of the secretary.

Mr. Webb: I desire to call the attention of the gentleman to the fact that a bill after final passage is submitted to the governor for his approval or disapproval and if he does approve, it is signed by him and filed in the office of the secretary.

Mr. Franklin: If the gentleman will pardon me I will call his attention to the fact that when you send a bill after passage to the governor you do not file it but submit it.

Mr. Webb: I contradict the gentleman's statement. After final passage it is filed with the governor, and it is never returned and he files it with the secretary of state.

Mr. Winsor: I would say that the procedure is that after a bill is finally passed by the legislature it is filed with the governor for his action. If he approves he signifies that fact in a message to the legislature, or if he does not approve it he may keep the bill ten days and then return it to the legislature with his disapproval.

Mr. Franklin: I do not agree with the gentleman. When the bill is passed by the legislature, it is submitted to the governor who may or may not approve of it and if he does he returns it with his signature to that effect, but if not he may keep it ten days and return it or return it before that time, but, however, it is then filed in the office of the secretary of state if it becomes a law by the signature of the governor or by his pocketing the bill, but there is never any filing marks upon it after the governor has passed upon it.

Mr. Cunningham: I think the gentleman misunderstands the word file in this matter. I simply suggested that it should be filed with the secretary of state after it becomes a law and not with the governor. After it is filed in the office of the secretary it is recorded and made a law of the state. I move that this change be made in this section.

Mr. Franklin: I second the motion.

Mr. Short: Mr. Chairman, I move to amend the amendment, and call attention to substitute Proposition No. 33 which has been adopted. I move that the words in line 24 and 25 be stricken out and the words in the Substitute Proposition 33, Section 7, adopted be inserted.

Mr. Jones of Maricopa: I second that motion.

Mr. Cunniff: If my recollection is correct that bill is on the calendar this morning.

Mr. Webb: I would just like to state that the purpose of this section is to provide a means of tracing the bill from the time it is introduced until it is signed by the governor and becomes a law.

Mr. Chairman: The motion is to strike out the entire section. Those in favor of the motion will answer aye; those opposed nay. The nays have it.

Mr. Cassidy: I wish to amend the motion of the gentleman from Cochise by inserting the words "and approved by the governor" before the words, "shall be filed in the office of the secretary."

Mr. Cooper: I second that motion.

The motion failed to pass.

Mr. Chairman: The question comes upon the motion of the gentleman from Cochise.

Mr. Cunningham: I will re-state my motion to say or to use the word "send" to the office of the governor."

Mr. Webb: I will second that motion. That will cover the whole matter.

Mr. Chairman: Those in favor of the motion will answer aye; those not in favor of the motion say nay. The motion is carried.

Mr. Osborn: I move that the committee do now arise and ask leave to sit again.

Mr. Franklin: I second that motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order. Mr. Crutchfield is recognized.

Mr. Crutchfield: "Mr. President, your committee of the whole begs leave to report progress, and asks leave to sit again."

Mr. Cunniff: I move the report be adopted.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. Winsor: I move the convention take recess until 1:30.

Mr. Weinberger: I second that motion.

The motion prevailed.

Convention stood at recess until 1:30 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present. If there is no objection, the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

Mr. Chairman: The committee of the whole will proceed with the consideration of Substitute Proposition No. 6. Section 12 is under consideration. If there are no further objections, it will stand approved.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Cunningham: I second the motion.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Short: I do not see any occasion for this amendment. We have provided a cure for ills of that kind in the initiative and referendum, and the people will have the opportunity to peruse them, and if desired to report on them. I think it is an unnecessary piece of legislation, which has no place in the constitution, and provides for a routine that makes it very difficult to persons to advertise in a paper before you present a bill for passage by the legislature. I do not see any necessity for it when we have the initiative and referendum.

Mr. Cunniff: It seems to me you are so handicapping the legislature, that it can do nothing during its sixty days' session.

Mr. Ellinwood: There is nothing in this proposal to prevent the legislature from passing laws, except that on the last three days no new bills could be introduced. Everyone who know about legislatures knows that it provides against the introduction of new bills for the last ten days. This simply provides that it be on the gentlemen's desks three days before final action. I would say in answer to the gentleman from Yuma, that the referendum does not cover the case. If a measure is passed by the legislature clandestinely, the people can resort to the referendum at an expense of $50,000 for a special election. If they do not call a special election at that expense, they would have to wait for the next session, and then the new legislature might do the same thing.

Mr. Winsor: Mr. Ellinwood evidently has not studied the referendum proposition. In the event of the people exercising the powers of the referendum and securing a petition that a certain measure be referred to the people, that measure shall not become a law until passed upon and approved by the people. In no event shall it become a law for ninety days, to allow the people time in which to file a referendum petition.

Mr. Ellinwood: The gentleman is eminently correct, but your petition must be gathered from all over the territory in order to put this law into operation. But I am surprised that the gentleman from Yuma should stand in this convention and oppose the giving of light and information to the people, and let them know what is going on.

Mr. Winsor: I am equally surprised that the gentleman has gained the idea that I oppose light. I cannot see that any particular light is afforded by this provision. It is nothing more nor less than preventing the passage of bills by the legislature during the last three days. At the present time, the legislature provides that bills shall not be introduced during the closing days of the session, and future legislatures will provide likewise. I say that bills with jokers in them should be amended at

any time, and this provision would prevent any amendment during the last three days.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Ellinwood: It is a new thought to me that this convention refuses to amend the rules or govern the functions of the legislature. The other day I was said to be the only one voting against a bill permitting no person not a member on the floor of the legislature. If the President of the United States or some state governor should visit this town, and the legislature should wish to honor him by giving him the privilege of the floor, they could not do so. The constitutions of the most recent drawings have this provision, and this convention can do no better than follow their precedents.
Mr. Cunniff: In correction of the gentleman, I would say that it was not my statement that no restrictions should be made on the legislature. I said all necessary restrictions were made in section 12.
Mr. Cobb: Can a distinct line be drawn between special or local, and general legislation?
Mr. Ellinwood: It can. I will read to you from the debates of Michigan in the constitutional convention of 1908.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Winsor: I wish to add another word. In the case mentioned, if some special legislation were proposed, three days publicity would not be sufficient to ascertain the wishes of the people in the community affected by the matter. For instance, I as a representative from Yuma county would not have any more idea of the desires of my constituents in three days than I would have at the time of the proposal.
Mr. Chairman: Those desiring to substitute will answer aye; opposed nay, when their names are called.
Roll call showed 23 ayes and 17 nays.
Mr. Chairman: The motion prevails, and the amendment offered by Mr. Ellinwood for Section 12 is carried.
Mr. Jones of Yavapai: I want to make an amendment to Section 12. After the words "aye and nay" insert "on roll call."
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Baker: I would like to know what you mean in this by "to be sent to the governor."
Mr. Ellinwood: I would say for the information of the gentleman from Maricopa that this was discussed this morning for over an hour, although I took no part in it, the committee decided to adopt this language.
Mr. Hunt: This provides that it shall be "published for ten consecutive days." Does the gentleman from Cochise want to have a newspaper trust? Who is going to pay for that?
Mr. Short: I would like to further ask the gentleman from Cochise if there is no daily paper how he is going to publish it for ten consecutive days?
Mr. Cunniff: I move paragraph 2 of Section 12 be stricken out.
Mr. Winsor: I second the motion.
Mr. Ellinwood: If the gentleman from Gila will look at the substitute proposition he will find it does not require a daily paper; it requires to be published in some paper of general circulation. That is taken verbatim from the Oklahoma statute, and Michigan and New York have similar provisions.
Mr. Cobb: I rise to a point of order. No business has intervened, since this was disposed of, and a motion to reconsider would be the proper proceeding.
Mr. Chairman: The chair would rule that Section 12 of the report has been supplemented by the amendment offered by Mr. Ellinwood, and that amendment is subject to amendment.

One amendment has already been made, and the chair entertains a second amendment that one paragraph be stricken out.

Mr. Osborn: Has the gentleman from Cochise any idea of the cost during one session of the legislature?

Mr. Ellinwood: As a minimum it would be 75 cents or $1.50 for each measure. Anybody asking for a law affecting a community and in which a community is interested, could bear a small cost of 75 cents or $1.50 so the people could have the information.

Mr. Franklin: I do not quite understand this. If we publish the thing for "ten consecutive days", I do not know of any decisions that say that you can publish it once a week. Now I understand "four consecutive weeks" would be covered by putting it in a weekly paper for four issues. If the statute provides "twenty-eight consecutive days" the publication in a weekly paper would not cover that. I do not want any such provision.

Mr. Winsor: I would ask Mr. Ellinwood how he would publish anything for "ten consecutive days", even in a daily paper that gets out six issues a week. It would not be published on Sunday, as most of our papers do not issue on that day.

Mr. Ellinwood: As I said before, it has been decided time and time again that as to service of summons, the time from the first publication to the last publication is the time in the contemplation of law.

Mr. Franklin: Does our statute provide we shall publish summons for twenty consecutive days? When you serve summons by publication, you serve it by publishing once a week for four consecutive weeks.

Mr. Ellinwood: If the gentlemen are acting in good faith, and this I do not doubt, (laughter) they would offer an amendment here to make it two consecutive weeks. That would relieve the situation entirely. I do not object to such an amendment.

Mr. Cunniff: As no provision is made who is to pay for this matter, it looks to me as though with a provision like this the legislatores who come from the ranges and from the towns would be running around in circles trying to find what to do. If a legislator intended to introduce a bill, he would have to have it published before he could introduce it.

Mr. Ellinwood: Just as at present, he would have to take it to a stenographer and have it written out, and it would amount to little more than street-car fare.

Mr. Cunniff: It seems to me this is so involved we should leave it to the legislature and let them work it out in detail. As to the expense, I do not believe in putting them to any such expense.

Mr. Ingraham: As to this amendment, I came in late, but it looks like an attempt to fix in the constitution the rules of the legislature, and we have clipped the wings of the legislature enough already.

Mr. Chairman: Those in favor of striking out the second section will answer aye to their names as the roll is called; opposed no.

Roll call showed 24 ayes and 20 nays.

Mr. Chairman: The motion to strike out has prevailed.

Mr. Cobb: I move you that Section 12 be substituted for this amendment. The whole purport was changed when it was amended.

Mr. Winsor: I second that motion.

Mr. Chairman: The question is upon the substitution of the original section 12 as printed in the committee report

with the amendment, for the amendment made by Mr. Ellinwood, from which you have stricken out Section 2.
Mr. Ellinwood: I wish to call attention to the fact that the only amendment to the printed copy of Section 12 was to cut out the last two words in line 24 and the first three words in line 25, and insert "sent to", in their stead. I ask for a roll call.
Mr. Chairman: Those in favor of this motion make it known by saying aye as their names are called; opposed no.
Mr. Goldwater: I desire to be excused from voting. In the first place you struck out section 12 and now you are trying to put it back in. I do not think you can do it parliamentarily. If I have to vote I vote one-half for one and one-half for the other.
Mr. Winsor: Let him be excused.
Roll call showed 32 ayes and 23 nays.
Mr. Chairman: The motion does not prevail.
Mr. Cunniff: I move that section 12 as it now stands be amended as follows: After the word "provision" (the last word in the next to the last sentence) insert this sentence "The reading of the bill by sections on its final passage shall in no case be dispensed with, and the vote on final passage shall be taken by ayes and nays on roll call," being the matter in the substitute proposition from line 21 to line 24. In Mr. Ellinwood's substitute that matter was left out.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Cunniff: I move a further amendment in the first line, insert the words "by sections" after the word "read", to make it read "Every bill shall be read by sections."
Mr. Ellinwood: I second that motion.
The motion failed to pass.
Mr. Franklin: I have a motion, which would take precedence. I move you that section 12 of Substitute No. 6 be re-referred to the committee on legislative department, distribution of powers and apportionment, with instructions to report within two days.
Mr. Webb: I second the motion.
Mr. Cunniff: It does not seem to me any good would come of referring it to this committee. I do not know what the committee can do further with it.
Mr. Chairman: All those in favor of the motion will answer aye; opposed no. The motion is lost. Any objections to Section 13?
Mr. Ingraham: If that provision goes into the constitution it will be the most dangerous two lines in the constitution. There will be more laws declared unconstitutional because of these two lines than any other two lines in the constitution. Take a long and complicated act, and if there is any subject in that act that is not expressed in the title your law is unconstitutional. I cannot see any good purpose to be gained by it; it leaves a handle or a string upon every law by which the court can declare it unconstitutional. You cannot draw a long act like a primary act for instance, and put a title on it so the supreme court cannot take hold of that string and explode your law. You cannot make the title perfect; you cannot make it court-proof. It seems to me with the referendum we have sufficient check upon the legislature without this. Section 13 proposes an absolute impossibility. I make a motion that Section 13 be stricken out.
Mr. Keegan: I second that motion.
Mr. Cunniff: I would suggest that Congress has worried along for a long time under a rule like this.

Mr. Ingraham: That body is full of the best lawyers in the United States and we cannot expect to have any such lawyers. As to this question, I remember an instance in the State of Michigan: After a long and expensive campaign the prohibitionists carried the election and put upon the statute books a law entitled "A law to regulate the manufacture and sale of intoxicating liquors," or something to that effect, and on a case being carried to the supreme court, the law was held unconstitutional because the subject of the act was not expressed to the courts' taste in the title. The court decided that prohibition was not regulation. This is a specific example of the evils of a clause like this. You will find you cannot draw an act that is not open to some objections when the supreme court wants to object.
Mr. Cobb: I move an amendment that this section be stricken out, and the following substituted: "Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title." This is taken from the Idaho constitution.
Mr. Cunningham: I second the motion.
Mr. Chairman: The question is upon the amendment of the gentleman from Greenlee, Mr. Cobb. Those in favor answer aye; opposed no. The ayes have it. What will you do with Section 14?
Mr. Webb: I am a member of the committee that reported this proposition, but I did not notice this. I cannot see any reason why this should be left in, and I move to strike it out.
Mr. Goldwater; I second the motion.
Mr. Franklin: I think the object is to prevent riders being placed, for instance, on appropriation bills. The last days of a session a rider is placed upon the appropriation bill changing its meaning completely. I am heartily in favor of this provision.
Mr. Webb: For the information of the gentleman from Maricopa, I would say that it is a safe-guard.
Mr. Cunniff: If the gentleman from Graham cannot imagine why, I commend him to a recollection of the event of today and yesterday, for of all occasions on which amendments were offered I never heard in all my life before sucha collection of amendments as we have had yesterday and today.
Mr. Chairman: The question is on Mr. Webb's motion. All in favor will make it known by rising; opposed will make it known by rising.
Rising vote showed 19 in favor and 17 against.
Mr. Chairman: The motion prevails.
Mr. Parsons: As the gentleman from Graham seems to have had good success by using Idaho, I desire to strike out section 14, and substitute in place thereof the following: "No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length."
Mr. Baker: I want to say before you vote on this, it has nothing to do with the section you have stricken out. It is not germane to that subject; it has nothing to do with it.
Mr. Parsons: I move it as a substitute to take the place of the section that was stricken out.
Mr. Chairman: Are you ready to vote? Those in favor will answer aye; opposed no. The motion has prevailed. Any

objections to section 15?

Mr. Winsor: I move to strike out the letter "s" in the word "officers" and make it "presiding officer."

Mr. Cunniff: I second the motion.

Mr. Chairman: Without objection it will be done.

Mr. Chairman: Any objection to Section 16? Any to Section 17? Any to Section 18? Any to Section 19? If not, they stand approved. Any objections to Section 20?

Mr. Goldwater: I move to amend line 22, paragraph 2, by adding the words "or county boundaries."

Mr. Weinberger: I will submit that the county boundaries are defined by the constitution and you will have to have a constitutional amendment for changing the boundaries, so this is unnecessary.

Mr. Goldwater: I withdraw my amendment.

Mr. Chairman: Section 20 is approved. Any objections to Section 21? Any objections to Section 22? If not they are approved. What will you do with Section 23?

Mr. Feeney: Mr. Chairman, I move that in section 23, line 6, the word "seven" be changed to "Ten."

Mr. Short: I second the motion.

Mr. Jones of Maricopa: I offer an amendment changing it to "five."

Mr. Short: I second the motion.

Mr. Chairman: The first amendment is to change the word "seven" in line 6, to "ten", amended further that it be changed to "five."

Mr. Feeney: Mr. Chairman, in making that $5.00 a day, the legislature in the past has always been held very cheaply. The reason I want it $10.00 is if the supreme judges are worth $6,000 a year, certainly the legislator that comes down here for sixty days is worth $10.00 and mileage. The legislator who comes down here in the future will come here untainted by the conditions under which they have come here in the past, and they ought to be reimbursed enough to pay their living expenses.

Mr. Parsons: Mr. Chairman, I want to support the amendment offered by my colleague, and my reason is this: take, for example, such men as the gentleman who has just addressed you,- a man who earns his living by the sweat of his own brow rather than off the sweat of the other fellow's brow - a man who is qualified by nature and attainments to represent a class of men of whom he considers himself a proud unit. Such a man under the circumstances that usually exist, where a small salary fixed for a member of the legislature, find that it will not pay his actual living expenses to say nothing about saving him from the loss that he sustains in giving up his labor when he leaves home. I say to you that in order that men of just the class of this man may be chosen to come to the legislature of Arizona and represent every class and those men with whom he works. Ten dollars is as little as we ought to fix, and I support the amendment.

Mr. Short: Mr. Chairman, I want to support the motion of the gentleman from Cochise to make the per diem of legislators $10.00, I want to say to you that the State of Arizona should be in a position to pay its legislators at the rate of $3650 per year if the supreme judges who interpret the laws the legislators make are worth $6,000 a year. I submit to you that a legislator is worth at the rate of $3650, and I would like to see them well enough paid that it will not be necessary for the corporations to pay them anything in order to get them here to make the laws; so that any poor man who has the ability may come here and raise his voice in making laws for the government of the people of the state of Arizona. I submit that to pay them $5.00 per day is a meagre compensation, and I hope the members of this convention will never submit to it. I think $10.00 is little enough.

Mr. Wills: Mr. Chairman, I do not want to support either one of these amendments. I think $5.00 is too small and $10.00 is too large. I think $7.00 as fixed by the committee, is just right.

Mr. Webb: Mr. Chairman: I desire to say that one of the conditions upon which I consented to the apportionment being made as high as it was-- and I want to state the committee were not all present-- that one of the conditions upon which I finally consented that the number of legislators should be so high was that the pay be fixed at $7.00. We compromised on $7.00, and it was one of the inducements that led me to support the first section of this bill.

Mr. Osborn: Mr. Chairman, I am glad to learn what inducement caused the gentleman from Graham to support that first section. I think it would be a great deal better to pay the legislators $10.00 and cut the number down. Out of that fifty-four members you will probably find thirty-four who will come here and do what somebody tells them.

Mr. Connelly: Mr. Chairman, I am in favor of $10.00 a day first, last and all the time. My reason for that is that I do not believe any man can come down here and live for any less. The least any state officer we will have is to receive $3000.00 a year, which is over $250 a month, and other state officers are getting from $8.50 to $18.00 or $19.00 a day. Now, you want to place the legislators below anybody else. If you have too many men in the legislature cut the number down. I do not believe in starving anybody to give somebody else a good job. These men are coming here and they are under extra expense, just as we are. Why should they work for $2.00 or $3.00 a day less than men who are stationed here?

(Speech by Mr. Bolan omitted and sent to him)

Mr. Cobb: Mr. Chairman, I wish to say that I heartily agree with my friends. I think it ought to be $10.00 and no less.

Mr. Standage: Mr. Chairman, I also agree with my friends from Cochise. I think they should be paid enough to justify them to come here. If we are going to cut down salaries we should have begun a long time ago and cut some of these offices we have been making. Give the legislators $10.00. I am heartily in favor of it.

Mr. Feeney: Mr. Chairman, I have been an advocate here of high salaries. I believe if the corporation can pay their high class employes high salaries, we people ought to do the same. The crying evil of our legislature is "jack pots," and small pay causes the very conditions that make men take money that taints their conscience. That is why I advocate $10.00 a day, and that is little enough. (applause)

Mr. Roberts: Mr. Chairman, I submit that if we raise the pay $2.00 per day we have done pretty well, and if the people want the salary higher they can get it under the initiative.

Mr. Chairman: The question is on the amendment of section 23, line 6. The last amendment offered is substituting the word "five" for the word "seven," making it read: "Until otherwise provided by law, members of the legislature shall receive a per diem of $5.00 per day. Those in favor will make it known by rising. Those opposed same sign.

The motion is lost by a vote of 3 to 40. The question now is upon the amendment offered by the other gentleman to amend the same line and the same word by substituting the word "ten". Those in favor of substituting the word "ten" for the word "seven" will make it known by saying aye when their names are called; those opposed no.

Mr. Coker: Mr. Chairman, in explanation of this vote (if it needs any explanation) I wish to state that the proposition of economy would more profitably be arrived at by the number of members, which was turned down this morning, and therefore I must vote aye, at this time.

Roll call showed 19 ayes and 27 nays.

Mr. Chairman: The motion is lost.

Mr. Ellinwood: Mr. Chairman, I move an amendment in line 6, section 23, that the word "seven" be stricken out and the word "eight" be inserted.

Mr. Cobb: I second the motion.

Mr. Chairman: Gentlemen, you have heard the motion. Those in favor will make it known by saying aye as their names are called; opposed no.

Mr. Roberts: Is an amendment in order?

Mr. Chairman: No, I think not, when the vote is being taken.

Roll call showed 19 ayes and 27 nayes.

Mr. Chairman: The motion is lost.

Mr. Curtis: I move section 23 be adopted as reported.

Mr. Cooper: I second the motion.

Mr. Connelly: Mr. Chairman, I move that in line 8 where it says "sixty days" we add the words "excepting the first session." I believe it will take more than sixty days. We have been here for almost sixty days and we have not started.

Mr. Chairman: Is there a second? There being no second to the amendment, the question will be upon the motion of the gentleman from Santa Cruz that section 23 be adopted as reported by the committee.

Mr. Cobb: I move to amend by adding the words: "Provided that the salaries of the members of the legislature herein enumerated shall be paid by the counties which they represent."

Mr. Coker: I second the motion.

Mr. Chairman: You have heard the amendment that there be added the words: "Provided that the salaries of the members of the legislature herein enumerated shall be paid by the counties which they represent." Those in favor will answer aye.

Mr. Colter: I would like to ask if a legislator is a county officer or a territorial officer.

Mr. Cobb: He is here to represent his constituents.

Mr. Chairman: Those in favor of the amendment will make it known by answering aye as their names are called. Those opposed no.

The secretary will call the roll.

Roll call showed 10 ayes and 36 nays.

Mr. Chairman: The motion is lost. The question recurs upon the motion of the gentleman from Santa Cruz, Mr. Curtis, that section 23 be adopted as reported by the committee. Those in favor will make it known by saying aye; opposed no. It is adopted. Any amendments to section 24?

Mr. Tuthill: Mr. Chairman, I would like to introduce an amendment to read as follows: "other than the officers or men of the National Guard traveling under orders." There is a statute that provides that they travel for 2 cents a mile.

Mr. Chairman: It says "holding public office in this state."

Mr. Tuthill: It is a question whether a National Guard officer is a public officer or not.

Mr. Curtis: I second the motion.

Mr. Weinberger: I do not believe a member of the National Guard is a public officer. I think that is not necessary.

Mr. Feeney: Mr. Chairman, I introduced a measure here and my object was to lift the militia and public defense of the government out of the taint that it has been in before, and I feel that an exemption of the state militia is one of those efforts that today has tended toward having the state militia held in contempt in the territory.

Mr. Winsor: I rise for information. I would lkke to ask if under the laws of Arizona officers and members of the territorial militia have their expenses paid when they are acting under orders.

Mr. Tuthill: The expenses of officers, so far astraveling is concerned, are paid. Their personal expenses are not paid.

Mr. Winsor: This does not refer to personal expenses.

Mr. Tuthill: This refers to transportation. We have had a great deal of trouble over transportation. The railroads have tried to hold us up, and have partially succeeded, and I believe that unless it is the sense of the legal talent of this convention, that we will not in any way interfere with the statutes now on the books providing for two cents a mile for the National Guards when traveling under orders, that this should be inserted.

Mr. Jones of Maricopa: I want to call the attention of the gentlman to the fact that this won't prevent the railroad companies giving free transportation. As it reads it says that no person shall accept or use a pass of purchase transportation from any railroad, etc. There is nothing there to prevent an officer from purchasing transportation and getting a refund, and I want to tell you that that is the favorite way of giving officers transportation. I want to say further that this can safely be eliminated. If you refer to committee substitute No. 113 you will find that every one is prohibited from accepting or using, and railroads are prohibited from giving transportation to anyone except as may be in accordance with the interstate commerce commission, which excepts employes of railroads. I think this should be stricken out entirely, and we should rest upon the provisions that are in Substitute No. 113.

Mr. Cunniff: Mr. Chairman, I would like to say that in one the state holds the railroad by one hand and in the other the state holds the public officer by the other hand.

Mr. Chairman: The question comes up on the amendment of the gentleman from Graham, Dr. Tuthill. Those in favor of the amendment make it known by rising. Those opposed the same sign. The amendment prevails.

Mr. Hunt: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition No. 6 do pass as amended.

Mr. Keegan: I second the motion.

The motion prevailed.

Mr. Chairman: The secretary will proceed with the calendar.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 131, recommending that it be indefinitely postponed.

Mr. Bolan: Mr. Chairman, I move that that be indefinitely

postponed.
Mr. Cunniff: I second the motion.
Mr. Chairman: It is so ordered. The secretary will proceed with the next number on the calendar.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, on Proposition No. 115, recommending that it be indefinitely postponed.

Mr. Goldwater: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that Proposition No. 115 be indefinitely postponed.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Chairman: The secretary will read the next number on the calendar.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment, on Proposition No. 55, recommending that it be indefinitely postponed.

Mr. Ellinwood: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that Proposition No. 55 be indefinitely postponed.
Mr. Webb: I second the motion.
The motion prevailed.
The next item on the calendar.

Secretary: (reading) Report of committee on legislative department, distribution of power and apportionment, on Proposition No. 102, recommending that it be indefinitely postponed.

Mr. Jones of Yavapai: Mr. Chairman, I move that when the committee arises it report back to the convention and recommend that Proposition No. 102 be indefinitely postponed.
Mr. Sims: I second the motion.
The motion prevailed.
Read the report on No. 22.
Secretary: (reading) Report of committee on private corporations and banks on Proposition No. 22, recommending that the substitute submitted be adopted.
Mr. Chairman: If there is no objection to Section 1, we will pass to consideration of Section 2.
Mr. Parsons: Mr. Chairman, in line 7 of section 2 I find the words "except for municipal purposes." Yesterday we recommended the adoption of a provision that said no municipal corporation should be formed by special law.
Mr. Short: Mr. Chairman, I move you that in line 9 in section 2, the words "at any time" be stricken out. The legislature cannot pass a law when they are not in session. I do not see any occasion to use those three words.
Mr. Winsor: I second the motion.
Mr. Chairman: The chair does not understand what Mr. Parsons made as a motion.
Mr. Parsons: I only called attention to the fact that there is a conflict between the terms of this section and one that we recommended for adoption yesterday. When in speaking of laws that should not be passed or corporations that should not be formed it said that no municipal corporation should be formed by special act of the legislature. This says corporations may be formed under general law

but shall not be created except for municipal purposes. That means that municipal corporations may be organized by special act of the legislature. The reason I mention this is because I thought perhaps there was some explanation on the part of the members of the committee.

Mr. Roberts: We had not passed that yesterday when we prepared this report.

Mr. Parsons: I move to strike it out.

Mr. Jones of Yavapai: I second the motion.

Mr. Curtis: Mr. Chairman, It seems to me that the committee on style and revision can rectify that.

Mr. Parsons: It might be possible that the committee on style, revision and compilation might correct it, but how would they know what the will of the committee is. It seems to me it requires action by this convention to direct the committee on style, revision and compilation, which one to put in.

Mr. Cassidy: Mr. Chairman, the words excepted to by the gentleman from Cochise in line 7 are also in conflict with line 16 on page 6 of the proposition we have just been considering, in which it says: "No special law shall be passed regarding incorporation of cities, towns or villages or amending their charter.

Mr. Weinberger: Mr. Chairman, I presume Mr. Parsons is going to call attention to the same thing in section 1 which provides "that municipal corporations shall not be created by special laws but the legislature by general laws shall provide for incorporation and organization of cities, etc.

Mr. Chairman: The question is upon the amendment of Mr. Parsons of Cochise to strike out in line 7 beginning at the word "act" the words "except for municipal purposes." Those in favor will say aye; opposed no. They are stricken out. The question now recurs upon the motion of Mr. Short of Yuma that in line 9 the words "at any time" be stricken out after the word "legislature."

Mr. Baker: Mr. Chairman, I hope that motion will not prevail, because I can see some danger in that. It might be possible that a corporation could exercise a charter so long that the legislature in acting against them, the corporation possibly could stand up and plead the statute of limitations; or it had exercised it so long--had accumulated so many rights under it, or privileges, or things had grown up in connection with this that to change or alter it at a late date would seriously affect certain parties. I think they might plead the statute of limitations; whereas this term will allow the legislature at any time to alter or change.

Mr. Short: Mr. Chairman, I fail to see wherein the legislature would be prohibited from making this change at any time, they were in session. Those words absolutely lend no force to the matter. The legislature cannot do this at any time because they are not in session at all times.

Mr. Baker: Mr. Chairman, this section was taken from the constitution of Washington, and I have compared it carefully with a number of similar constitutions and all of them have those exact words.

Mr. Chairman: Those in favor of the amendment as offered by the gentleman from Yuma, Mr. Short, make it known by saying aye; opposed no. It does not prevail. What will you do with section 3?

Mr. Cassidy: Mr. Chairman, it seemsto me that there is uncertainty in that provision--that word "approval". Approval by the people or by Congress or by the President? It does not say.

Mr. Chairman: If there is no amendment the section will be passed. Any amendments to section 4? Any to section 5?

Mr. Baker: Mr. Chairman, I should like to inquire about this. This section is in the substitute proposition. I do not know where it came from; it sounds strange to me. Whether it was in Mr. Ellinwood's bill or whether it was substituted in the committee of the whole, I do not know. Can some member of the committee on corporations tell me where he got Section 4? I do not care anything about the question "the legislature shall not remit the forfeiture of the charter of any corporation now existing," but to say "or amend the same" looks to me dangerous. I do not know where the section comes from.

Mr. Chairman: Can any gentleman of the committee give the gentleman the information he desires?

Mr. Winsor: Mr. Chairman, if my memory serves me correctly, this section was taken from the proposition the committee on corporations, submitted by Judge Wells. That is my recollection.

Mr. Chairman: If there is no further objection to it it will pass for the present.

Mr. Franklin: Mr. Chairman, before we pass from section 4, it seems to me we ought not to do it unadvisably. It seems to me that it is pregnant with a great deal of meaning. I move you, Mr. Chairman, reverting to Section 4, that we amend that section by striking out all of the section beginning on line 17, after the word "existing", so that the section as amended will read: "The legislature shall not remit the forfeiture of the charter of any corporation now existing."

Mr. Ellinwood: I would state that the statute to which Judge Baker referred was taken from Article 12 of Alabama, 1901, verbatim.

Mr. Franklin: What has been the construction of that provision?

Mr. Ellinwood: I do not know, sir. That is where it came from.

Mr. Franklin: I am very much opposed to putting in the constitution of Arizona things that we have simply gathered from other constitutions. As I suggested before, that is a very doubtful interpretation, and the extent of the power to do things in this manner is such that we ought not to get it in the dark.

Mr. Cassidy: Mr. Chairman, I see in referring to the constitution of North Dakota that it has a section verbatim with Section 4.

Mr. Franklin: What is the purpose of it?

Mr. Cassidy: I do not know.

Mr. Jones of Maricopa: Mr. Chairman, it looks to me as though the purpose of it might be wholesome. It puts a check on the legislature amending or altering a charter of a corporation, which I think is a wholesome thing. A corporation might make application, if this were not in here, to the legislature to change some feature of their corporation. It might be a bad thing for the state. Unless someone can point to some objection to it I shall vote in favor of retaining it.

Mr. Wells: Mr. Chairman, in Proposition No. 105, Section 3, it says: "The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state." Other propositions were referred to the committee, and from all that were introduced they produced section 4 as placed in the substitute. It was done after consideration, and we thought it would cover any objection that was made by the members of the committee; just at what point the objection is made I do not know.

Mr. Webb: Mr. Chairman, I desire to say I do not know the purpose of it, and every gentleman to whom the question has been put has confessed that they did not know, and I am going to vote against it.

Mr. Roberts: Mr. Chairman, it seems to me if we read on down to the last two lines "except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution," one can readily see why it was done. The corporations that are in existence are not subject to the provisions of this constitution, and if they want to make any change it just requires them to become subject to this constitution.

Mr. Chairman: The question recurs upon the motion of Mr. Franklin to strike out all of Section 4 after the word "existing" in line 17. Those in favor make it known by saying aye; opposed no. The motion is lost. Any objection to Section 5? Any to Section 6?

Mr. Baker: Mr. Chairman, I ask the gentleman from Cochise, Mr. Ellinwood, if he is the author of the peculiar language here. I am inclined to vote for it, but I would like to understand the necessity of a provision of this kind,- why it arose.

(Speech by Mr. Ellinwood omitted and sent to him).

Mr. Baker: Then it is a question of reprisal on our part.

Mr. Ellinwood: Not let them do business here if they cannot do business at home.

Mr. Chairman: Any objection to No. 7?

Mr. Cunningham: Mr. Chairman, do I understand this correctly? Beginning with the words "The stock and indebtedness of corporations shall not be increased except in pursuance of general law nor without the consent of the persons holding the larger amount in value of the stock, at a meeting to be held after sixty days' notice given in pursuance of law." Is it possible that is the meaning of this section? If it is, all the corporations will have to go out of business, if you have to give sixty days' notice before you can increase your indebtedness. You could not work labor day after day, because that would certainly increase your indebtedness.

Mr. Curtis: Mr. Chairman, I wish to amend by leaving the words in before "indebtedness" on page 11 and between "and" and "indebtedness" put "bonded."

Mr. Jones of Maricopa: I second the motion.

Mr. Roberts: I withdraw my motion.

Mr. Baker: I offer, then, an amendment to the motion of the gentleman from Santa Cruz. I offer section 6 in the original Proposition No. 22 that was introduced by myself, as a substitute for Section 7, in the present bill. The language of this amendment is as follows: "Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void." I believe that section will be more effective.

Mr. Cassidy: I second the motion of the gentleman from Maricopa.

Mr. Ellinwood: Mr. Chairman, I would state that the paragraph just read by Mr. Baker is taken verbatim from the Utah constitution.

Mr. Baker: Also Washington.

Mr. Winsor: Mr. Chairman, I would like, as a matter of information, to have the gentleman from Maricopa point out in what report his amendment differs from the section as it now stands in the proposition, except in this one particular, that in section 7 sixty days' notice is required before the stock or bonded indebtedness may be increased, whereas in the amendment proposed merely consent of a majority of the stock is required.

Mr. Parsons: Mr. Chairman, I would call the attention of the gentleman from Yuma to the fact that Section 7 as proposed to be amended covers bonded indebtedness; that is not provided for in Section 6.

Mr. Winsor: Bonded indebtedness is provided for in the section as it now appears.

Mr. Parsons: Yes, but not in Judge Baker's proposition.

Mr. Chairman: The question is upon the substitution of Section 6 for Section 7.

Mr. Curtis: Mr. Chairman, I would say that Section 7 in Substitute Proposition No. 22 is a verbatim copy of the South Dakota provision.

Mr. Chairman: Those in favor of Judge Baker's amendment will rise; those opposed, the same sign.

Rising vote showed 22 in favor and 17 against.

Mr. Chairman: The amendment is lost.

Mr. Cunniff: Mr. Chairman, I move that this section now incorporated as section 7 be amended as follows. In line 5, the phrase "bona fide subscribers therefor," that "labor done or property actually received therefor" be inserted in lieu thereof. That is taking the phrasing from the committee's substitute report in regard to that particular matter.

Mr. Wood: I second the motion.

Mr. Parsons: Mr. Chairman, I would like to call the attention of the gentleman from Yavapai to the fact that the language in substance follows in the next two lines.

Mr. Cunniff: It occurs there as only covering bonds.

Mr. Parsons: That will leave it so that will be repeated.

Mr. Cunniff: The phrase is used on the stock and used again on the bonds, but it has been pointed out that it is necessary, so the words stricken out would be beginning with the word "to" on line 3 and including the word "assignees" on line 6.

Mr. Chairman: You have heard the amendment. All those in favor will stand to their feet. Opposed same sign. The amendment is lost. Are there any further amendments to section 6 of Proposition No. 22? We will pass to section 7.

Mr. Cunniff: Mr. Chairman, I move that on line 14 before the word "indebtedness" the word "bonded" be added.

Mr. Wood: I second the motion.

Mr. Baker: Mr. Chairman, of course I am not opposed to anything that will restrict those corporations all we possibly can, but I do not want to vote for an amendment that will let them loose instead of tying them down. With this amendment they could increase their indebtedness other than bonded indebtedness. Don't you see? You only limit them to fictitious increase of bonded indebtedness. We had better let that general language stay.

Mr. Cunniff: I agree. I will withdraw that.

Mr. Chairman: The amendment is withdrawn and the motion stands. Any amendments to Section 8? Any to Section 9?

Mr. Short: As a matter of information I would like to inquire if the present statutes do not require that articles of incorporation be filed with the secretary of state.

Mr. Cassidy: This says without having first filed their articles., Under the present statute the articles are filed with the county recorder and a certified copy filed with the territorial auditor. I move that after the word "incorporation" we insert the words "or a certified copy thereof," on line 23.

Mr. Short: I second the motion.

Mr. Chairman: Those in favor of the amendment will signify by saying aye; opposed no. It is carried. Any objections to section 10? Any to Section 11?

Mr. Weinberger: Mr. Chairman, I do not believe that this accumulative system of voting ought to be in the constitution. I think it should be up to the corporation whether it sees fit to adopt this system or not, and I therefore move to strike out Section 11.

Mr. Keegan: I second the motion.

Mr. Cunniff: This seems to me to be an obvious protection of the minority stockholders.

Mr. Weinberger: The corporation itself can adopt this system of voting if they see fit.

Mr. Cunniff: As a protection to stockholders I think we should say whether the corporations want it or not.

Mr. Parsons: Mr. Chairman, the argument of the gentleman from Gila would apply to any other regulation we are seeking to impose on corporations. We should protect the stockholders to the extent of saying how they shall elect their directors.

Mr. Ellinwood: Mr. Chairman, this provision in one form or the other is in effect in California, Illinois, Idaho, Missouri, Montana, South Dakota, Pennsylvania, North Dakota, West Virginia, and it seems to me it is very essential. It gives the minority stockholder a look-in. While he cannot control the corporation, he can have a member on the board so he knows what is going on, and I think if this system is adopted the minority stockholders will be protected.

Mr. Chairman: Those in favor of the motion of the gentleman from Gila; Mr. Weinberger, to strike out section 11, make it known by saying aye; opposed no. The motion is lost. Any objections to section 12? If there is no objection we will pass on to section 13.

Mr. Baker: Mr. Chairman, I am interested in this subject. While I am not prepared to offer an amendment, I would like to understand the section if I possibly can. Can the committee, or any member of the committee, indicate to me where they obtained this section--from what constitution, or what statute?

Mr. Roberts: I think it was from North Dakota.

Mr. Winsor: As I understand it, this is what is known as the double liability clause, which appears in the national banking law. It was under that apprehension that it was included in this proposition, with the exception of the last paragraph. By the addition of the last paragraph the liability of a stockholder or shareholder is extended one year after the sale or transfer of stock, the idea of that being to prevent the sale of stock when the owner of it knows that the concern is about to go under.

Mr. Cunniff: I have given considerable thought to that matter, and it seems to me those remedies which aim to cure the disease, are worse than the disease. It is true it would prevent anybody from stepping from under when a corporation has reached a bad condition, but it is also true that if a person sell control in a corporation under these conditions, that the person to whom the corporation was sold might direct the corporation during that year and then the seller of the stock or control in that corporation would be held responsible. After seeing the advantages offered from one side, and considering the disadvantages on the other side, I think the disadvantages outweigh the advantages. I move to strike out all that part of the section after the word "stock" on line 20.

Mr. Curtis: I second that motion.

Mr. Roberts: When considering this the committee took into consideration the people who do business with such companies. And I would say that in a case like this, where a man, whom the people respect and trust as an honorable and honest man and when they have the utmost confidence in him, opens a bank and secures the custom and patronage of the people and has a prosperous banking business and some other party comes along and purchases the bank, the second party being a stranger to the people and unknown generally, I think that the people's interest should be protected from such a transfer of property, I think this man should be held responsible for this transaction and that the people should at all times have protection from such possible transfers, where their own interests are so much at stake.

Mr. Curtis: If the deposits are made with the bank before such transfer is effected and entered into the people should be apprised of the deal and I would say also that the people are protected as they have the right to withdraw their deposits at any time.

Mr. Weinberger: Does this not mean that all stockholders are recorded and all stock can be had in cash when such transfer is made?

Mr. Curtis: The transfer of stock provides a certificate of transfer and to be complete must be certified on the back to that effect by the company.

Mr. Ellinwood: This is a statute law.

Mr. Chairman: The amendment of Mr. Cunniss if that the words after the word "stock" in line 20 and all the rest of the section from there be stricken out. Those in favor of the motion say aye; those opposed nay. The motion prevails. Any objection to Section 13? Any to Section 14?

Mr. Baker: This section, of course, abolishes the fellow servant law doctrine. We have passed a provision for a liability law, and I suggest that the committee on style, revision and compilation substitute this section for that one when they come to compile the constitution.

Mr. Cunniff: I agree with the gentleman from Maricopa upon that.

Mr. Feeney: I would like to ask the gentleman if the common law doctrine is abolished to cover every form of labor?

Mr. Baker: It covers everything and it is not abolished.

Mr. Feeney: I would like to have it cover every form of labor and every firm and corporation and even apply to the machinists.

Mr. Baker: It will cover everything; in fact, I cannot conceive of anything it does not cover, and if it is not broad enough I am not opposed to making it broader, but I can see nothing omitted.

Mr. Winsor: Mr. Chairman, I move to insert after the word "master" in Section 14, line 6, page 5, the words "is forever abrogated," and to strike out the rest of the section.

Mr. Feeney: I second that motion.

The motion prevailed.

Mr. Cunniff: I move that the word "master" be stricken out and the word "servant" too, and that where the word "master" appears the word "employer" be inserted, and where the word "servant" appears the word "employee" be inserted. I do not like the use of the words master and servant.

Mr. Webb: Those are common terms I think and of long standing and well understood and interpreted by the law.

Mr. Baker: They have been used for hundred of years and the court understands the interpretation of them, and there is no stigma upon the words in the law.

Mr. Jones: I second the motion of the gentleman from Yavapai.

Mr. Ellimwood: I think I understand the motive of the gentleman from Yavapai in desiring to change the wording here, but I would suggest that the present wording is legal and right and is interpreted by law much quicker than the suggested terms would be.

Mr. Cunniff: I do not believe the gentleman from Cochise is right.

Mr. Chairman: The question comes up on the motion of the gentleman from Yavapai, Mr. Cunniff; those in favor of this amendment will say aye; those opposed nay. The motion is lost.

Mr. Chairman: Any other amendments? Any objections to section 15? Any to section 16? Any to Section 17?

Mr. Winsor: I move that when the committee arises, that it recommend that Substitute Proposition No. 22 as amended be adopted.

Mr. Webb: I second the motion.

The motion prevailed.

Mr. Jones of Yavapai: I move that the committee now arise and report progress.

Mr. Webb: I second that motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order and the gentleman from Maricopa will report.

Mr. Crutchfield: "Mr. President: Your committee of the Whole begs leave to report it has examined Substitute Proposition No. 6 and Substitute Proposition No. 22 and Proposition No. 131, 115, 55 and 102 and respectfully recommends that Substitute Proposition No. 6 be adopted as amended; that Proposition No. 131, 115, 55 and 102 be indefinitely postponed; that Substitute Proposition No. 22 be adopted as amended."

r. Crutchfield: Mr. President, I move that Substitute roposition No. 6 do pass as amended.

r. Cunniff: I second that motion.

he motion prevailed.

r. President: Shall it be engrossed and have a third eading?

r. Parsons: I move that it be engrossed and have a third eading, and be referred to the committee on style, re-ision and compilation.

r. Roberts: I second that motion.

he motion prevailed.

. Crutchfield: Mr. President, I move that Proposition . 131, 115, 55 and 102 be indefinitely postponed.

. Osborn: I second the motion.

e motion prevailed.

. Crutchfield: Mr. President, I move that Substitute oposition No. 22 as amended be adopted.

. Jones of Maricopa: I second that motion.

e motion prevailed.

. President: Shall it be engrossed and have a third reading?

Mr. Webb: Mr. President, I move that Substitute Proposition No. 22 be engrossed and have a third reading, and referred to the committee on style, revision and compilation.

Mr. Coker: I second the motion.

The motion prevailed.

Mr. Bolan: Mr. President, I ask for unanimous consent to refer back to reports of standing committees.

Mr. President: If there are no objections we will refer back to the reports of standing committees; hearing none, the secretary will read the reports.

Secretary: (reading) "Phoenix, Arizona, November 23, 1910.
Mr. President: Your committee on labor begs leave to report that it has examined Proposition No. 110 and respectfully recommends that it do not pass as the subject matter contained in said Proposition is not necessary. That it has examined Proposition No. 141 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition No. 141, and your committee further recommends that Substitute Proposition No. 141 do pass. That it has examined Proposition No. 86 and respectfully recommends that it do not pass. That it has examined Proposition No. 136 and respectfully recommends that it do not pass, as the matter is entirely covered by Proposition No. 48 as adopted by the Convention. That it has examined Proposition No. 12 and respectfully recommends that it do not pass as the subject matter in Proposition is already covered by matter in Constitution. That it has examined Proposition No. 76 and respectfully recommends that it do not pass as the subject matter is partly covered in Substitute Proposition No. 76. Your committee further recommends that Substitute Proposition No. 76 be adopted. That it has examined Proposition No. 137 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition No. 137. Your committee further recommends that Substitute Proposition No. 137 do pass.

John Bolan, Chairman.

We concur: S.B. Bradner, Thomas Feeney, John Langdon, Wm. Morgan."

Mr. President: Proposition No. 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole November 24, 1910.

Mr. Cunningham: I move the report of the committee be adopted.

Mr. Roberts: I second that motion.

The motion prevailed.

Mr. Cunningham: I move that the convention take a recess until 7:30 p. m.

Mr. Winsor: I second that motion.

The motion prevailed.

Convention stood at recess until 7:30 p. m.

NIGHT SESSION.

Mr. President: The convention will come to order. A quorum is present. Report of standing committees.

Secretary: (reading) "Your committee on public service corporations other than railroads reports it has examined Proposition No. 58 and respectfully recommends a substitute therefor, and recommends that said substitute, being Substitute Proposition No. 50, be adopted.

Concurred in by a majority of the committee.

Fred L. Ingraham, Chairman."

Mr. Chairman: If there is no objection the report will be sent to the printing committee, and 500 copies ordered printed. Gentlemen, we have some business to come before the committee of the whole.
(Speech by Mr. Osborn omitted and sent to him)
Mr. Ellinwood: I think the Republicans are the ones that have the kick coming.
Mr. Cooper: I just want to say for the Republicans without consultation that they will join in the gentleman's request. We will not only join, but we will assist in every way in our power.
Mr. Osborn: That simply bears out that the Republicans in this convention are fighting the initiative and referendum and do not believe in the recall by the people.
Mr. President: I think if Collier's Weekly had their attention called to this they would make a correction.
Mr. Kingan: I will say that they will be notified without any committee.
Mr. President: We have some business on the calendar, so we will now resolve ourselves into a committee of the whole, with the gentleman from Graham, Mr. Sims in the chair.
Mr. Chairman: The committee of the whole will come to order. Mr. Secretary, what is the first proposition we have for this evening? Read the report of the committee.

Secretary: (reading) Your committee on private corporations and banks, begs leave to report it has examined Proposition No. 105, and respectfully recommends that said Proposition No. 105 be indefinitely postponed, inasmuch as the substance contained in Proposition No. 105 is contained in Committee Substitute No. 22."

Mr. Cobb: I move that when the committee arises it report it has examined Proposition No. 105, and recommend it be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Chairman: Read report on Proposition No. 37.
Secretary: (reading) "Your committee on private corporations and banks begs leave to report it has examined Proposition No. 37, and respectfully recommends that said proposition be indefinitely postponed, inasmuch as committee Substitute Proposition No. 22 embraces the substance of that contained in said Proposition No. 37."

Mr. Jones of Yavapai: I move that when the committee arises it recommend to the convention that said Proposition No. 37 be indefinitely postponed.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Chairman: Read report on No. 67.
Secretary: (reading) "Your committee on private corporations and banks begs leave to report it has examined Proposition No. 67, and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as the substance thereof is contained in committee substitute No. 22."

Mr. Keegan: I move that when the committee arises it recommend that said Proposition No. 67 be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Chairman: Read the report on Proposition No. 101.
Secretary: (reading) Your committee on private corporations and banks begs leave to report it has examined Proposition

No. 101, and respectfully recommends that said Proposition No. 101 be indefinitely postponed, inasmuch as the substance thereof is contained in Committee Substitute No. 22."

Mr. Cunniff: I move that when the committee arises it report a recommendation that this proposition be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Chairman: Read the report on No. 53.

Secretary: (reading) Your committee on private corporations and banks begs leave to report it has examined Proposition No. 53, and respectfully recommends that said Proposition No. 53 be indefinitely postponed."
Mr. Cunniff: I move when the committee arises, it report a recommendation that Proposition No. 53 be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Chairman: Read the report on Proposition No. 118.

Secretary: (reading) "Your committee on private corporations and banks begs leave to report it has examined Proposition No. 118, and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as Committee Substitute Proposition No. 27 covers the substance embraced in said Proposition No. 118."
Mr. Jones of Yavapai: I move that when the committee arises it recommend that said Proposition No. 118 be indefinitely postponed.
Mr. Cunniff: I second that motion.
The motion prevailed.
Mr. Chairman: Read report on No. 29.

Secretary: (reading) "Your committee on private corporations and banks begs leave to report it has examined Proposition No. 29, and respectfully recommends that said Proposition No. 29 be indefinitely postponed, inasmuch as the substance thereof is contained in Substitute No. 22."
Mr. Ellinwood: I move you that Sections, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 be stricken out (leaving only section 11) and that the proposition as amended do pass.
Mr. Feeney: I second that motion.
Mr. Cunniff: I am utterly opposed to this motion, and if there is no discussion, I suggest the chairman put the motion.
Mr. Roberts: I would like to amend the motion of striking out the words "and unpaid" in line 21, page 3.
Mr. Crutchfield: I second the motion.
Mr. Wills: I rise to a point of information. I want to know what they are going to do with this section if the rest are knocked out?
Mr. Ellinwood: It will go to the revision committee, and go into the constitution like any other proposition.
Mr. Weinberger: It seems to me absolutely unjust to require every stockholder to be liable for the par value of his stock. I think the proposition as it originally reads is n correct.
Mr. Ellinwood: I agree that the amendment striking out "and unpaid" would make it too drastic. This simply makes him liable for the amount he has subscribed for and not paid for.
Mr. Roberts: I submit a large corporation has its stock paid in, and a small corporation of necessity has not its stock paid in full, and this would work a hardship on the

small corporation stockholders, and leave the stockholders in large corporations not liable. I hope this will be amended.

Mr. Connelly: I just want to say this proposition would ruin the industrial prosperity of Arizona and should be killed.

Mr. Chairman: All in favor of this motion will make it known by saying aye; opposed nay. The nays have it.

Mr. Weinberger: I move to amend this section by striking out line 21 beginning with the word "and", line 22, and line 23. I think that would be unjust likewise.

Mr. Winsor: If there were any good in the proposition, that would be the best part of it.

Mr. Cobb: I would like to inquire of the committee which reported this back if they had any provisions in their bill covering this subject?

Mr. Ellinwood: I would state we have none. I was on this committee, and there is no such proposition.

Mr. Short: I am very glad to hear there is no other provision covering this. I want to say if you pass this section 11 you will put every small corporation in Arizona out of business. You cannot sell a dollar's worth of stock because they would be buying a "white elephant." If they paid twenty cents on the dollar in promoting some scheme, whether legitimate or otherwise, they could be held responsible for whatever the par value is. The stockholders in a large corporation whose stock has gone up from $1.00 to $50.00 has absolutely nothing to fear from a provision of this kind, but the smaller corporations would be ruined in a great many cases. They could not sell enough stock to do their assessment work, and the large corporations along side would be able to gobble up their claims.

Mr. Ellinwood: I exercise no originality in drafting this paragraph in Proposition No. 29. I took it bodily from Oregon and Michigan. This is not as drastic as many laws. It has not driven the smaller corporations, or any corporations out of the State of Oregon or Michigan. On the contrary, our neighbor state of California, which has done very well in the last few years has this provision, that the stockholder is liable for all the debts of the corporation in the proposition that the amount of stock or shares owned by him bears to the total amount of shares.

Mr. Short: I will submit the provision in the California law is very good; I do not see any harm in that, but I will submit there must be very few if any small corporations in Michigan. It is absolutely in the hands ofthe large corporations.

Mr. Crutchfield: While I do not intend to be an expert, the study I have made of so-called "wild cat" corporations and those of a more solid and permanent form shows that the trouble lies in just the point that is sought to be remedied here. The ease with which professional gamblers induce the people to take stock in a proposition where they stand a chance of making ten to one, and are not subject to any claim, is the string by which most promoters get hold of the people; and if you make the stockholders personally liable for their part of the expenses, all kinds of joint-stock companies will become an investment rather than merely gambling concerns, and the more solid development of this country will result. I am not in favor of large companies against small companies; on the other hand I am in favor of development by small companies. Therefore, I am in favor of this so far as I see its meaning.

Mr. Lynch: May I ask the gentleman a question? The average stock that is sold is sold away below par; that is it is sold at 15 cents; that is the actual cash market value at the time. The man that buys the stock pays every cent that it is worth at the time. It is the understanding that he must, in the case of debts, pay the difference between the actual cash value at the time he bought it, and the par value?

Mr. Ellinwood: I understand so. The effect will be that when a corporation incorporates in place of having a capitalization of one million dollars, they will have the proper capital, $100,000, or $200,000.

Mr. Cunniff: I want to say first that my mining interest is a close corporation, that has no stock to sell. From my experience, I believe this would absolutely ruin the mining industry except for the large companies and large corporations. I am astounded that any such proposition should be brought into this body.

Mr. Chairman: The question is on the motion of Mr. Ellinwood. All in favor of this motion answer aye; opposed no. The nays have it.

Mr. Jones of Yavapai: I move to amend to indefinitely postpone the whole proposition.

Mr. Webb: I second the motion.

Mr. Ellinwood: I insist on a roll call.

Mr. Chairman: The clerk will call the roll. All in favor of indefinitely postponing this proposition will signify by saying aye; opposed nay.

Roll call showed 33 ayes and 10 nays.

Mr. Chairman: The proposition is indefinitely postponed. Read the report of the committee on Proposition No. 113.

Secretary: (reading) "Your committee on railroads, and your committee on public service corporations other than railroads, jointly begs leave to report it has examined Committee Substitute No. 113, and respectfully recommend that the same be adopted."

Mr. Winsor: I would like to ask the chairman of the railroad committee if the committee recommends that this be substituted for No. 113?

Mr. Jones of Maricopa: Yes.

Mr. Winsor: I ask that the chairman be permitted to amend his report so that it will say that.

Mr. Webb: I ask that it be considered section by section.

Mr. Chairman: Are there any objections to section 1?

Mr. Goldwater: I move that on line 6 the words "and reside" be stricken out.

Mr. Keegan: I second the motion.

Mr. Short: I think if the gentleman from Yavapai were familiar with the entire proposition clear through, he would not make that motion.

Mr. Goldwater: I know you will pay him $3,000, but that would not justify his living in Phoenix.

Mr. Short: He will have his expenses when away from home. We want something on which to base his charges.

Mr. Chairman: All in favor of the motion of Mr. Cunniff will make it known by saying aye as their names are called; opposed no.

Roll call showed 18 ayes and 25 nays.

Mr. Chairman: The motion is lost. Any objections to section 2?

Mr. Ellinwood: I move to strike out the word "private" and insert the words "public service."

Mr. Lynch: I second the motion.

Mr. Winsor: I know it is the sense of a great many members of this convention - it should be the sense of all - that there should be some supervision of all corporations organized under the laws of Arizona, and it seems to me the last gentleman who should oppose such a proposition is the one who submitted Proposition No. 29. That proposition, if aimed ostensibly to reach the "wild cats", would, if embodied in our Constitution, put 99 percent of all our corporations out of business. We want reasonable restriction however, and the purpose of the provision here proposed is to place reasonable restrictions upon all corporations in the state. I hope the amendment will not be adopted.

Mr. Lynch: The proposition as it refers to public service corporations is all right. If you stop to think, there are hundreds of little corporations, some doing a mercantile business or calat companies or fire associations, formed to avoid having to go into partnership and to facilitate business. They are engaged in private pursuits. For example, if you went into a partnership, what would you say when a state board came to investigate your partnership concern, that is, your particular private business. That is exactly what they could do under this proposition, and I do not believe the members really mean that this corporation commission shall have charge of private corporations. The intent certainly must be those public service corporations in which the public is interested. I should like to see this amendment adopted; I do not believe it has a place in any constitution.

Mr. Weinberger: If you give this power, you are giving dangerous power to any set of people or officers. If you want to control corporations, control them by general law, and not arbitrarily.

Mr. Winsor: This corporation commission has no powers as to private corporations except such as may be conferred upon it by law.

Mr. Webb: If this provision remain, I shall certainly move to include private concerns for it is exactly the same thing.

Mr. Jones of Maricopa: In preparing this proposition the form was changed somewhat, and there were several copies. The copy that should have gone to the printer did not go, and I noticethat in the original copy the words "private corporations" does not appear in either line 1 or line 7. These words should be stricken out here. That will change the sense quite materially.

Mr. Cunniff: One distinction of the State of Texas is that that state, so far as I have been able to observe in my travels, is the only one that controls corporations, and in almost every other state I know the corporations have altogether too much influence in the direction and control of the state. This is a provision that will permit the State of Arizona to have the same reason for pride that the State of Texas has, and I am in favor of allowing that paragraph to remain exactly as it is. It does not empower this corporation commission to look into or poke its nose into the business of every corporation in the state, and this constitution, if that paragraph prevails establishes in this state a body which will be in a position to enforce any general law of the legislature, or the people will do it through the initiative and referendum.

Mr. Lynch: I still want to insist that the business of a private corporation is not a matter of public concern. Texas controls its quasi-public corporations, those in which the public is interested. There is not a member on this floor, but has some little private business concern in which he is interested and which he is working out for his own advancement. As the public, you have nothing to do with those things, it is none of your business. I want to impress upon you again that this is not a public matter on which we should spend public funds. Why should we spend money as the public to investigate private affairs? Let us vote this down.

Mr. Cunniff: We need to have supervision over banks, and supervision over insurance companies, and supervision over mining companies, and while I believe in the intelligence and integrity of legislatures, there is nothing more valuable than this establishment of machinery to do these things.

Mr. Cobb: I would like to ask Mr. Jones if he knows of any other mistakes in this copy. We have not the report of the committee before us. I have great respect for that committee, but as I do not know whether this is the report of the committee, I move this be re-referred to the committees on railroads and public service corporations other than railroads. Otherwise, I cannot vote for it.

Mr. Jones of Maricopa: If anybody is looking for a chance to vote against this, he is perfectly welcome.

Mr. Colter: I have sincere interest in the welfare of this new State of Arizona, and Mr. Lynch of Graham County, has expressed my sentiments exactly.

Mr. Roberts: He has not expressed mine by a good deal. It seems to me God Almighty did not create any corporations, and they have no power the state did not grant them, and that fact would necessarily mean that the state has the right to exercise jurisdiction over the powers it has given to these corporations. I am in favor of this proposition.

(Speech by Mr. Cassidy omitted and sent to him)
(Speech by Mr. Lynch omitted and sent to him)

r. Ellinwood: I want to call your attention to the fact hat the committee on private corporations has not given ts approval of this proposition. This is the creature of he joint committee of the railroad committee and the ommittee on public service corporations. If this is a rivate corporation matter (as it seems to be) it ought to ave the approval of the committee on private corporations.

(Speech by Mr. Cunniff omitted and sent to him)

r. Lynch: Just one parting word: The gentleman from avapai hears, or seems to think he hears, in his wild reams, the voices of Aldrich, Crane and Hale and gentlemen f that class. I was listening to those same voices, and t sounded more like the voice of Sockless Jerry Simpson, nd while he may have the idea it is the voice of Jefferson r Jeffersonian democracy I think it is the voice of this llustrious patriot I have just named.

r. Winsor: I am not very long on voices, but I want to ay in reference to the gentleman from Cochise, that while his provision did not have the formal authorization of he committee on private corporations, in a way it did ave the authorization of that committee. A proposition as submitted by, I think, Mr. Roberts, for the creation f a banking commission, which was discussed to some extent n the committee on private corporations. That committee xpressed itself unanimously in favor of such a commission, nd it was informally decided by the members that it would e just as well not to act on the proposition, since it as understood that the joint committee on railroads and blic service corporations other than railroads would provide for a commission with authority to investigate and upervise other corporations.

. Chairman: The question comes up now on the amendment Mr. Cobb to re-refer this. All in favor answer aye; pposed no. The nays have it. Now we will take up the amendment offered by Mr. Ellinwood; All in favor of this will signify by saying aye; opposed no. Call the roll, Mr. Secretary.

Roll call showed 24 ayes and 20 nays.

Mr. Chairman: The motion prevails.

Mr. Short: I desire to say that Section 2 provided what authority the public service corporation commission should have over private corporations. If you make section 2 applicable to public service corporations, then the balance of this proposition I submit is absolutely worthless.

Mr. Winsor: Inasmuch as the value of this section has been absolutely destroyed, I move you to amend by striking out Section 2.

Mr. Short: I second the motion.

The motion prevailed.

Mr. Chairman: Any amendments to Section 3?

Mr. Webb: I move you that the word "private" where it occurs in the first line and where it occurs in line 7 be stricken out.

Mr. Cunningham: I second the motion.

The motion prevailed.

Mr. Goldwater: Mr. Chairman, in line 3 of Substitute Proposition 113, I would insert after the word "gas" the word "oil."

Mr. Colter: I second that motion.

The motion prevailed.

Mr. Chairman: Any objections to section 4? Any to section 5?

Mr. Webb: Mr. Chairman, I move that in line 7 after the word "any" the words "public service" be inserted.

Mr. Cobb: I second that motion.

Mr. Chairman: Those in favor of the motion of the gentleman from Graham to insert in line 7 after the word "any" the words "public service", will say aye; those opposed nay. The ayes have it.

Mr. Cunniff: I would ask permission to refer back to Section 3. There was a final amendment made in a hurry that the word "oil" be placed after the word "gas." Now this has taken in more scope then it was intended.

Mr. Goldwater: I did not intend to convey that power, but have investigated and find that possibly the amendment does not mean what I had in mind.

Mr. Ellinwood: I think that word is not essential.

Mr. Crutchfield: I was the only one who voted against "oil" and I did so because I could not see how that could apply.

Mr. Cunniff: I would like to have this take in the Standard Oil Company corporations.

Mr. Ellinwood: I move the word "oil" be stricken out.

Mr. Webb: I second that motion.

Mr. Chairman: Those in favor of the motion to strike out the word "oil" in line 2 section 3, will rise. Those opposed now rise.

Rising vote showed 13 in favor and 20 against.

The motion is lost.

Mr. Chairman: If there are no objections we will now take up section 5. Any objections to section 6? Any to section ? Any to section 8? Any to section 9? Any to section 10?

Mr. Goldwater: Does this include Pullman cars?

Mr. Parsons: I think it does.

Mr. Cunniff: Mr. Chairman, I move that in line 6, page , the word "oil" be inserted.

Mr. Winsor: I second that motion.

The motion prevailed.

Mr. Chairman: Any objections to section 11? Any to section 12? Any to Section 13?

Mr. Cunniff: May I ask for an explanation? Does this include the officers of the interstate commerce?
Mr. Jones of Maricopa: They are. There are reductions for transportation officials, employees, charitable institutions, preachers, etc.
Mr. Short: This interstate commerce act includes Arizona at the present time and just as they stand now.
Mr. Chairman: If there are no corrections we will pass on to Section 14.
Mr. Ellinwood: I move that we strike out, in line 7, after the word "commission" the rest of the section. It seems to me that this is an unjust provision. If the railroads were forced to give full value it would make them lose the whole of their tariff. I understand from your assessor here that the people of this county are assessed only one-fourth. Under this provision they would be compelled to enter this property at full value and if so it would be paying two-thirds more than any other property and they would lose two-thirds of their tariff.
Mr. Jones (I think); I would like to say that while this fact may be true I would just state that the railroads in this territory have never been taxed their full value, in fact, we have never been able to get more than one-third or one-fourth. They will state for the purpose of assessment that their property is worth $7,000 per mile and then they will at another time swear that the same property is worth $42,000 in order to justify high rates.
Mr. Webb: Mr. Chairman, the position taken by the gentleman from Cochise is well taken. If a full cash value were to be taken of the property it would force them to undervalue their property, but if you make the proportion at a lower rate then will they possibly pay more than if they were forced to state the full value?
Mr. Short: I hope this amendment will not prevail, for it gives them the discretion of saying how much their property shall be taxed for. Any one does not mind them lying a little bit but when you fix a thing so they will lie sevenfold then it is going too far, as I know the lines here have done.
Mr. Ellinwood: I am not here to apologize for the Maricopa and Phoenix railroad but I know that the statements made by some of them have been through unjust assessments.
Mr. Parsons: I do not believe in making a law that will cause men or corporations to lie, but I believe in fixing the rate and the law so that all property shall be taxed at its full cash value, and then make it a felony for anyone to swear it is less than it is worth.
Mr. Chairman: Was there any second to this motion?
Mr. Webb: No.
Mr. Chairman: We will pass on to section 15. Any objections to this section? Hearing none we will pass to section 16. Are there any alterations or amendments?
Mr. Ellinwood: I think that section 16 is absolutely in conflict with the statutes of the United States, defining a crime and punishing it, and I do not think this is right.
Mr. Parsons: That is taken verbatim from the Constitution of the State of Louiseana.
Mr. Chairman: If there are no amendments we will consider Section 17. Are there no objections? Any to section 18?
Mr. Coker: In line 17, I move you that section 18 be amended by striking out the words "away from home," and inserting the words "while traveling."
Mr. Osborn: Are any other amendments in order? I move to amend line 16 by striking out the figures $3000 and inserting $500. I think this is entirely too much to allow those

officers when you compare their salary with other officers, for instance the superintendent of public instruction and others. We have been trying to equalize salaries and to make them somewhere within the bounds of reason, but we have or will depart from this good democratic rule if we permit this to remain as it now stands.

Mr. Webb: I second that motion.

Mr. Ellinwood: I did not know that any one else had an idea of amending this section but myself, however, I shall move to amend the amendment by asking that the figures be changed to read $5000 in lieu of $3000, as I think that we can secure better service at that rate than at the lower rate of salary.

Mr. Cobb: I second that motion.

Mr. Osborn: I do not think that the labors of this commission will demand such a salary any more than some other offices we have created here and I am not in favor of paying such extreme salaries to some officers and making the others so extremely low.

Mr. Ellinwood: I would say that if the salary is put at a low figure no expert man or body of men would undertake the work at such a salary, but if you offer them a sum sufficient to demand their good and efficient labors you will get more for the $5000 than for the $3000 or $500.

Mr. Chairman: Those in favor of the amendment offered to the amendment of Mr. Osborn, will answer aye, those opposed nay. The nays have it. The question now comes up on the original motion of Mr. Osborn to strike out the figures $3000 and insert $500, those in favor of the motion will answer aye; those opposed nay. The motion is lost.

Mr. Weinberger: I move to amend Section 18 by striking out the words and figures $3000 and inserting the words, at the beginning of the paragraph, "until otherwise provided by law."

Mr. Osborn: I second that motion.

Mr. Chairman: It has been moved and seconded that section 18 be amended by striking out $3000 and inserting at the beginning of the paragraph the words "until otherwise provided by law." Those in favor of this motion will say aye; those opposed nay. The ayes have it and it is so ordered.

Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that Substitute Proposition No. 113 be adopted as amended.

Mr. Winsor: I desire to amend the motion to the effect that when the committee arises it recommend that Substitute Proposition 113 as amended be substituted for Proposition No. 113, and that as amended Substitute Proposition No. 113 do pass.

Mr. Parsons: I second that motion.

The motion prevailed.

Mr. Webb: I move that the committee now arise and report progress.

Mr. Coker: I second that motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order and the gentleman from Graham will report progress.

Mr. Sims: "Mr. President: Your committee of the whole begs leave to report and recommend as follows: That Proposition No. 105 be indefinitely postponed; that Proposition No. 37 be indefinitely postponed; that proposition No. 67 be indefinitely postponed; that proposition No. 101 be indefinitely postponed; that proposition No.53 be indefinitely postponed; that proposition No. 118 be indefinitely postponed; that proposition No. 29 be indefinitely postponed; that

substitute Proposition No. 113 do pass as amended.
Mr. Sims: Mr. President, I move that this report be adopted.
Mr. Jones of Maricopa: I second that motion.
The motion prevailed.
Mr. President: Those in favor of indefinitely postponing propositions No. 105, 37, 67, 101, 53, 118 and 29, will answer aye; those opposed nay. The ayes have it and it is so ordered.
Mr. Sims: Mr. President, I move that Substitute Proposition 113 be adopted as amended.
Mr. Webb: I second that motion.
The motion prevailed.
Mr. Chairman: Shall it be engrossed and have a third reading? Those in favor of engrossing it, giving it a third reading and then referring it to the committee on style, revision and compilation, will answer aye; those opposed nay. The ayes have it and it is so ordered.
Mr. Winsor: I move we adjourn until tomorrow morning at 9:30 a'clock.
Mr. Orme: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 a. m. November 24, 1910.

JOURNAL, November 24, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Petitions, Memorials and Remonstrances.
Secretary: (reading) "Resolution No. 16. Resolved that the secretary is authorized and hereby instructed to request of the director of the census the enumerated population of the several counties of the Territory of Arizona, exclusive of Indians not taxed." Introduced by Mr. Lamar Cobb.
Mr. Cobb: I move the adoption of the resolution.
Mr. Webb: I second the motion.
Mr. Cobb: I hardly think it is necessary to explain why that should be adopted. Some members claim the total population as published includes Indians not taxed.
Mr. Winsor: That is for the purpose of keeping the apportionment business open.
Mr. Parsons: As suggested by the gentleman from Yuma, if this is for the purpose of continuing the question of apportionment, while I took no part in the debate on that matter yesterday, I simply want to say that inasmuch as the members of congress who prepared that Enabling Act evidently had some knowledge of the conditions of Arizona, and instead of basing the representation in this convention upon population, they based it upon the vote cast at the last election, and as our committee fixed this apportionment on the same plan and followed the precedent established by Congress in making this apportionment, I think we ought not to adopt any resolution to continue this disturbance.
Mr. Cobb: I beg to call attention to the fact that Congress did not at that time have the population of the various counties of Arizona, and I see no objection to our ascertaining their population.
Mr. Parsons: As to this fact, I beg to say the gentleman

from Graham, is correct. They knew we had Indians and a number of people who would count for cholera plague victims and very little else, enumerated in the census. I give Congress credit for that, and I believe they acted wisely and well, and we would do well and act wisely to follow their example.
Mr. Cobb: I insist on a roll call.
Mr. President: So much time was taken up on roll calls yesterday when there was no necessity. Call the roll, Mr. Secretary.
Roll call showed 12 ayes and 29 nays.
Mr. President: Gentlemen of the convention, if there is no objection, the convention will now resolve itself into a committee of the whole, with the gentleman from Cochise, Mr. Connelly, in the chair.
Mr. Chairman: The committee of the whole will come to order. We have for consideration Proposition No.34. The secretary will read the report.

Secretary: (reading) "Your committee on railroads begs leave to report it has examined Proposition No. 34, and respectfully recommends that it be indefinitely postponed, as the same is substantially incorporated in Committee Substitute Proposition No. 113."

Mr. Winsor: Mr. Chairman, I move that when the committee arises it report back to the convention and recommend that Proposition No. 34 be indefinitely postponed.
Mr. Webb: I second the motion.
The motion prevailed.

Secretary: (reading) "Report of committee on railroads on Proposition No. 142, recommending that it be indefinitely postponed."

Mr. Webb: Mr. Chairman, I move that when the committee arises that it report back to the convention and recommend that Proposition No. 142 be indefinitely postponed.
Mr. Coker: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on railroads on Proposition No. 25, recommending that it do not pass.

Mr. Cunniff: Mr, Chairman, I move that inasmuch as the first part of the proposition has been incorporated in one of the propositions already adopted, and the second part in another article, that the committee recommend to the convention that Proposition No. 25 be indefinitely postponed.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Webb: Mr. Chairman, I move that when the committee do arise that it report back to the convention and recommend that Proposition No. 21 be indefinitely postponed without reading to this committee.
Mr. Feeney: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on Proposition No. 109, recommending that it be indefinitely postponed.

Mr. Parsons: Mr. Chairman, I move that when the committee arises it report back to the convention and recommend that Proposition No. 109 be indefinitely postponed.
Mr. Webb: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on public service corporations other than railroads on Proposition No. 36, recommending that said proposition be indefinitely postponed.

Mr. Sims: Mr. Chairman, I move you that when the committee arises, it report back to the convention and recommend that Proposition No. 36 be indefinitely postponed.
Mr. Bolan: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on public service corporations other than railroads on Proposition No. 38, recommending that it be amended by inserting the word "ratably" after the word "liable" and before the word "for" and that as amended said proposition do pass.

Mr. Cunniff: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that this proposition be indefinitely postponed.
Mr. Webb: I second the motion.
The motion prevailed.

Secretary: (reading) Report of committee on militia and public defense on Proposition No. 49, No. 77, No. 107, and the Resolution from Common Council of the City of Phoenix, recommending that the resolution be referred to Committee No. 1; that proposition No. 49 be indefinitely postponed; that proposition No. 77 be indefinitely postponed and that Committee Substitute Proposition No. 107 be substituted therefor.

Mr. Winsor: Mr. Chairman, I move the substitute be taken up section by section.
Mr. Chairman: If there is no objection it is so ordered. You have heard section 1. Is there any amendment? Any objections to Section 2?
Mr. Cunniff: It is incorrect to use "this territory," but the committee on style, revision and compilation will take care of that.
Mr. Tuthill: I will state that that was put in on advice of certain of the legal fraternity.
Mr. Cunniff: Mr. Chairman, I move as an amendment that instead of using "this territory", the words be inserted "the territory of Arizona."
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Cassidy: Mr. Chairman, the way that reads is this: "The militia shall consist of all organized bodies." Should not that read "military" before the word "bodies"? I move that the word "military" be placed before the word "bodies."
Mr. Feeney: I second the motion.
The motion prevailed.
Mr. Chairman: Any amendments to Section 3?
Mr. Cunniff: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that the report of the committee on militia and public defense on this substitute proposition be adopted as amended and that all the others be indefinitely postponed.
Mr. Tuthill: I second the motion.
Mr. Winsor: I would ask that that be made complete--- that Substitute Proposition No. 107 be adopted as a substitute to Proposition No. 107.

Mr. Chairman: All in favor of that motion signify by saying aye; opposed no. The ayes have it.

Secretary: (reading) Report of committee on suffrage and election on Proposition No. 42, recommending that it be indefinitely postponed.

Mr. Jones of Yavapai: Mr. Chairman, I move you that propositions No. 42, 46, 128, 30, 111, 51 and 117 be indefinitely postponed, as they are included in Proposition No. 21 already passed.

Mr. Cunniff: I second the motion.

The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers andapportionment on section 7 of Proposition No. 33, recommending that said section be amended in accordance with the attached amendment and as amended be adopted.

Mr. Weinberger: Mr. Chairman, I want to say that this was the section that was omitted from the Substitute No. 33 on executive. It was referred to the legislative committee and the legislative committee has worked it out and it reported it back.

Mr. Short: Mr. Chairman, I move that when the committee arises it recommend the adoption of this section as read.

Mr. Weinberger: I second the motion.

Mr. Chairman: It has been moved and seconded that when the committee arise it recommend the adoption of section 7 of substitute Proposition No. 33. Those in favor will answer aye, opposed no, as their names are called.

Roll call showed 36 ayes and 7 nays.

Mr. Chairman: The motion is carried. Section 7 of Substitute Proposition No. 33.

Secretary: (reading) Report of committee on Legislative department, distribution of powers and apportionment on Proposition No. 140, recommending that the accompanying proposition be substituted for proposition No. 140, and that the substitute be adopted.

Mr. Cunniff: Mr. Chairman, I beg to state that Substitute Proposition No. 140 was typewritten and typewritten copies put on the desk of every member day before yesterday.

Mr. Keegan: Mr. Chairman, I move that when the committee arise it report back to the convention and recommend that substitute Proposition No. 140 do pass.

Mr. Crutchfield: I second the motion.

Mr. Wood: That is not necessary. Under the rules you have been following, if you do not disapprove it you approve it.

Mr. Ellinwood: Mr. Chairman, I move to amend the word "18" in the 4th line to read "16."

Mr. Bolan: I second the motion.

Mr. Crutchfield: Mr. Chairman, I hope that amendment will not prevail. The period of life especially during which most crime is committed is that period of adolescence from about 14 years and in some cases up to 19 and 20 years. Eighteen years is the age at which a safe limit may be placed. Practically every state allows the juvenile court proceedings to control up to 18 years, and I trust that the amendment will not prevail, but that it will stand as has been reported by the committee. There are some instances in which justice would not prevail by allowing a boy under 16 years of age to be tried in the regular court, and I hope that the amendment will not prevail.

Mr. Ingraham: Mr. Chairman, the convention will notice that it is not necessary that criminal prosecution be checked by this. It is entirely within the discretion of the judge, and it seems to me that that discretion of the judge ought to extend up to 18 years instead of 16 years, as it now is in the territorial statute. There are many cases that occur about theage of 16 or 17, which would not be excluded from the law where the judge should have discretion and be allowed to temper the law with mercy.

Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Maricopa and the gentleman from Yuma on the ground that all phycologists practically agree that the age of adolescene runs up to 18 years.

Mr. Chairman: It has been moved and seconded that in line 4 the word "eighteen" be stricken out and the word "sixteen" be substituted. All in favor will signify by saying aye; opposed no. The nays have it. It has been moved and seconded that when the committee arise it report to the convention and recommend that Proposition No. 140 do pass. All in favor signify by saying aye; opposed no. The ayes have it.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 84, recommending that it be indefinitely postponed.

Mr. Sims: Mr. Chairman, I move you that when this committee arises it report back to the convention and recommend that Proposition No. 84 be indefinitely postponed.

Mr. Webb: I second the motion.

The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 32, recommending that it be indefinitely postponed.

Mr. Cunniff: I move that when the committee arises it report back to the convention and recommend that Proposition No. 32 be indefinitely postponed.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 87, recommending that it be indefinitely postponed.

Mr. Cunningham: Mr. Chairman, I move you that when the committee arises it report back to the convention, and recommend the indefinite postponemant of Proposition No. 87.

Mr. Cunniff: I second the motion.

The motion prevailed.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on Proposition No. 103, recommending that the acompanying proposition be substituted for Proposition No. 103, and that the said substitute Proposition be adopted.

Mr. Cassidy: Mr. Chairman, I move that when the committee arises it recommend that Substitute Proposition No. 103 be adopted.

Mr. Hunt: Mr. Chairman, I would like to ask the gentleman why should they put the president of the senate in there?

Mr. Cassidy: Mr. Chairman, the president of the senate is connected with the legislature, and I suppose he may be regarded as the highest official in the legislative department, and I think it would only be right and proper that the legislative department be represented in the governing body, controling the legislative body.

Mr. Hunt: Then I should include the speaker of the house of representatives.

Mr. Cassidy: I have no objection to putting in also the speaker of the house of representatives.

Mr. Winsor: Mr. Chairman, I do not believe that would be a good idea. You would have an advisory board then, consisting of an even number of members, and it appears to me that the president of the upper house of the legislative body is all sufficient in that direction. The Attorney General isthe chief of the law construing power, and the governor the head of the executive department.

Mr. Cunningham: Mr. Chairman, it strikes me the clerk of the supreme court ought to be a member of that board, as well as the judges, so that they could work out something from all the departments.

Mr. Osborn: It strikes me, Mr. Chairman, that this is a question that could be left to the legislature. We have created a great many offices of late-- I believe too many-- and it strikes me again we are creating an office to do what the legislature comes here to do, and if we are going to create an officer, who shall create those laws, and gather them together, we had better get the legislators here.

Mr. Bolan: It is my understanding that we have at the present time, a territorial librarian, and we also have a governor and an attorney general, and will have a president of the senate. This just simply provides the librarian shall also be the legislative secretary, and the only thing provided for here is that he shall be appointed by the governor.

Mr. Feeney: Mr, Chairman, the history of the bureau of legislative research will show it was established first, I believe, in Wisconsin. I think there are a number of members of this convention, who received information on the subject of political economy from there. It was brought out by the action of the legislators in trying to write laws while not having the proper data there, and inquiring at the University of Madison, as to where they could get it. Through that became established the department of legislative research, which has been of most valuable assistance to the legislature of the state of Wisconsin. As long as this does not establish a new office, I believe it would be a very valuable acquisition to our next legislature.

Mr. Cunningham: Mr. Chairman, I do not believe that some of us understand exactly the intention of this. It strikes me that this is organizing a correspondence school, in a measure.

Mr. Lynch: Mr. Chairman, I can see no particular objection to the establishment of a bureau of legislative research. There are some provisions in here that do not seem to us ought to be in. For instance, it gives that bureau the right to employ all necessary clerks of the legislature under a merit system. Are we going to say to our legislature that "you can come here, and do the work, but we will employ the clerks for you because you cannot do it."

Mr. Chairman: I believe that would be a good scheme.

Mr. Lynch: I do not think so, Mr. Chairman. We did not have the governor, or secretary of the territory employing our clerks, and why should we say to a legislature "You can come here, but you have not sense enough to employ your own clerks." If, for instance, this bureau happens to be of some political party, and the legislature of another, I can readily see that the bureau will be able to find sufficient merit in their party to get every clerk out of the membership of their party. I move to strike out the words in the second paragraph "employ all necessary clerks for the legislature under a merit system."

Mr. Parsons: I second the motion.

Mr. Cunniff: I move an amendment to the motion that after the word system in the last line, add the words "as provided by law," that the method of selection shall be a method as prescribed by law. Then this bureau will not have the power to do what the gentleman objects to.

Mr. Lynch: I would support the motion if it meant anything. How can you provide by law that the legislature can appoint its own clerks, and at the same time provide in the constitution that the bureau of legislative research can employ these clerks.

(Speech by Mr. Parsons omitted and sent to him)
(Speech by Mr. Winsor omitted and sent to him)

Mr. Cunniff: Mr. Chairman, I should like to say that the report of the committee on printing and clerks the other morning was a sufficient answer to most of the arguments made.

Mr. Kingan: Mr. Chairman, I would like to ask also the originators of this proposal if one of the chief duties of this clerk will be to gather data on the initiative, referendum and recall.

Mr. Winsor: I think so, but the data on that subject is so one-sided that the people won't need any more information.

Mr. Webb: Mr. Chairman, we have been told that this creates no new office. If it does not do that it creates a lot of new work. I say we are creating too many new offices. Let the people of Arizona, through the initiative and referendum and the legislator, whom they elect to enact their laws, provide for these things as we see we need them. Our needs and our conditions here are different from those old states where this officer has accomplished some good. We have responsibility enough on our shoulders to take care of those things. We are bound to take care of them without assuming the responsibility of legislating for Arizona for all time to come.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Cunniff: Mr. Chairman, I arise to a point of order. This is really not an amendment that Mr. Ellinwood is offering to the amendments already before us. If he would withhold his amendment until those two have been acted upon, we will make more headway,

(Speech by Mr. Jones of Maricopa, omitted and sent to him)

Mr. Cunniff: This provision gives very sweeping power without applying any system, and as Mr. Parsons points out there will be competitive examinations. This does not say so. It provides no form of merit system and the reason this is not explained more fully is that it is a purely legislative matter to provide the machinery for competitive examinations. These examinations might be held in Prescott, Tucson and Yuma as well as Phoenix.

(Speech by Mr. Cassidy omitted and sent to him)
(Speech by Mr. Webb omitted and sent to him)
(" " " Parsons " " " " ")
(" " " Winsor " " " " ")
(" " " Crutchfield " " " " ")

Mr. Osborn: Mr. Chairman, I know less about this proposition now than I did before we had all this oratory, and I trust we can have a vote.

Mr. Ingraham: Mr. Chairman, one reason why we people down in Yuma are not worrying about theappointive power of the legislature, is that since a provision excluding all Mexicans voting has been passed we do not expect Yuma will elect any democrat members to anything, and, therefore, I am not interested in this matter.

Mr. Chairman: The first amendment is that of Mr. Cunniff of

Yavapai. In next to the last line he adds the words "as provided by law" after the word "system". All those in favor of that motion signify by saying aye; contrary-minded no. It is carried. The next motion is by Mr. Lynch, to strike out in line 4, ending in line 5 with the word "system" after the word "laws" in line 4 "to employ all necessary clerks for the legislature under a merit system as provided by law." Call the roll.

Roll call showed 11 ayes and 32 nays.

Mr. Chairman: The motion is lost.

Mr. Wells: I move to strike out the whole section.

Mr. Webb: I second the motion.

Mr. Ellinwood: Mr. Chairman, I move an amendment that after "governor" the last word in the first paragraph that the following be inserted: "and until otherwise provided by law he shall receive an annual salary of twenty-five hundred dollars."

Mr. Weinberger: I second the motion.

Mr. Chairman: The chair rules that Mr. Wells' motion is in order. It has been moved and seconded that the entire section 2 be stricken out. All those in favor of striking out paragraph two will rise. Contrary minded same sign. The motion is lost.

Ir. Ellinwood: Now is my motion in order?

Ir. Chairman: It has been moved and seconded that after the last line following the word "governor" the words be dded: "and until otherwise provided by law he shall re-eive a salary of $2,500 per year." All those in favor ignify by saying aye; opposed no. The ayes have it.

r. Winsor: Mr. Chairman, I move that Substitute Pro-osition No. 103 be adopted as amended.

r. Cassidy: I second the motion.

r. Chairman: It has been moved and seconded that Sub-titute Proposition No. 103 be adopted as amended. The ecretary will call the roll.

oll call showed 23 ayes and 18 nays.

r. Chairman: Substitute Proposition No. 103 is adopted s amended.

r. Lynch: Mr. Chairman, I note upon roll call that there re eleven members absent. I also recall that this is a egal holiday, recognized throughout the United States nd throughout the civilized world, and even Mexico, and I herefore move that the committee arise and report progress.

r. Osborn: I second the motion.

he motion prevailed.

he President resumed the chair.

r. President: The convention will come to order. The entleman from Cochise, Mr. Connelly.

r. Connelly: "Mr. President, Your committee of the whole egs leave to report it has examined Propositions Nos. 4, 142, 25, 108, 81, 36, 38, 77, 49, Resolution from the ommon. Council City of Phoenix, No. 42, 46, 128, 30, 111, 1, 117, 84, 32, 87 and 85, and recommends that they be ndefinitely postponed."

r. President: Gentlemen, those in favor of adopting the eport of the committee of the whole answer aye; those pposed no. The ayes have it and it is so ordered. The uestion comes up on the indefinite postponement of all hose bills. Those in favor of indefinitely postponing opositions that have just been read by Mr. Connelly will swer aye; opposed no. The ayes have it, and it is so rdered.

. Connelly: The committee also reports that it has amined Substitute Proposition No. 107, Section 7 of Sub-itute Proposition No. 33, Substitute Proposition No. 140

and Proposition No. 103, and recommend that they do pass.
Mr. President: Those in favor of adopting the report of the committee of the whole answer aye; those opposed no. The ayes have it. The question comes up on the substitute for Proposition No. 107, that it do pass as amended. Those in favor of that motion will answer aye; opposed no. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. That Proposition No. 33 do pass. Shall it be engrossed and have a third reading? Those in favor answer aye; opposed no. The ayes have it; so ordered. That Substitute Proposition No. 140 do pass. Shall it be engrossed and have a third reading? Those in favor will answer aye; opposed no. The ayes have it. That substitute Proposition No. 105 do pass as amended. Those in favor of adopting this report will answer aye; opposed no. Shall it be engrossed and have a third reading? Those in favor will answer aye as their names are called; those opposed will answer no. The secretary will call the roll on the engrossing.
Roll call showed 27 ayes and 15 nays.
Mr. President: The motion is carried.
Mr. Goldwater: Mr, President, I ddsire to give notice that on tomorrow I will make a motion for reconsideration of this bill.
Mr. Lynch: I move that this convention now take recess until 9:30 tomorrow morning.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention adjourned to November 25, 1910.

JOURNAL, November 25, 1910. 9:30 a. m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Gentlemen of the convention, the minutes, owing to the holiday, have not been written up, and we will have to dispense with them this morning. If there are no objections, the convention will resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Roberts, will take the chair.
Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on Proposition No. 23.

Secretary: (reading) "Your committee on schedule, mode of amending and miscellaneous begs leave to report it has examined Proposition No. 23, and respectfully recommends that said Proposition shall be indefinitely postponed, as it is provided for in the ordinance."

Mr. Cunniff: I move you when the committee arises, it recommend that Proposition No. 23 be indefinitely postponed.
Mr. Jones of Yavapai: I second that motion.

Secretary: (reading) "A minority of your committee on schedule, mode of amending and miscellaneous, begs leave to report it has examined Proposition No. 60, and respectfully recommends that said proposition be substituted as herein submitted, and respectfully recommend that Proposition No. 60 do pass: "The legislature shall never pass any law discriminating against any school of medicine or method of healing."

Mr. Webb: I desire to say I introduced original Proposition No. 60. The substitute changes it quite materially from the original. However, I have no objection to the substitute if it meets with the approval of the majority of this convention, and will be perfectly satisfied if it pass. The purpose was simply this: To restrict and forbid (which seems to me to be a perfectly constitutional matter) the legislature from discriminating against any school of medicine. It does not prevent the legislature from placing all proper restrictions on the practice of medicine in Arizona, but such restrictions shall fall equally upon every school of medicine, and if one particular school be required to pass stringent examinations before practicing medicine, all others must pass the same examination, and nothing more.

Mr. Cunniff: I think this is one of the most dangerous propositions introduced in this convention. I move when the committee arises, it recommend that this proposition be indefinitely postponed.

Mr. Sims: I second the motion.

(Speech by Mr. Cunniff omitted and sent to him)

(Speech by Mr. Webb omitted and sent to him)

Mr. Feeney: May I ask the gentleman from Graham a question? I have received several letters from, and I have some very good friends and staunch supporters who are, Christian Scientists. Is this going to discriminate against them?

Mr. Webb: This last clause added by the substitute is intended to protect Christian Scientists. If you want to give them a show, you should support the substitute.

Mr. Feeney: I was personally acquainted with that famous and miraculous healer, Dowie, and saw some of his works of flim-flam, and I know there are some methods of healing that should be prohibited, but I do not want such a movement as that instituted by Dr. Worcester in the east.

Mr. Lynch: I move we strike out these objectionable words "or other method of healing."

Mr. Cunniff: I do not think this is so much a question as to what the gentlemen interpret this as meaning, as what it says, and if it carries the intent set forth by the gentleman from Graham, that the examining board shall have such standards as it may desire, the proposition as introduced by Mr. Webb is of absolutely no value, and there is no point in placing it in the constitution.

Mr. Webb: I desire to say the whole cause of the introduction is that we have a medical board in this territory on which some schools are represented, and others not, and we claim for all an equal opportunity to pass, and no special privileges to any.

Mr. Cunningham: I offer an amendment, that when this committee arises it report that Substitute Proposition No. 60 be adopted by adding the word "recognized" before the word "method", and as amended, be adopted by the committee.

Mr. Webb: I second that motion; I see no objection to that.

Mr. Short: I fail to understand why we should support a proposition of this kind. Why should we not fill up our constitution with propositions declaring that dry goods merchants shall not be discriminated against, or the grocery man, or like propositions. It seems to me we are filling, or intending to fill, our constitution with useless propositions that do not mean anything. I do not see why we should single out a school of medicine, and say it shall not be discriminated against.

Mr. Webb: I do not think the critics intend to be unfair. Arizona is one of the six or seven out of 49 states and territories that does discriminate in her laws. Forty do not discriminate and declare against it; six or seven do, and Arizona is one of them. That is why this is necessary. Arizona does not discriminate as to drygoods merchants. There are gentlemen on the medical examining board who frankly confessed to me they cannot give a fair and impartial examination to any but brothers in the same school of medicine.

Mr. Jones of Maricopa: Is it the purpose of the gentleman to have every individual school of medicine represented upon this examining board in the territory? We would have an examining board that would take in almost all the doctors in the territory.

Mr. Chairman: The question comes up on the amendment of Mr. Cunningham:

Mr. Weinberger: I would like to ask the gentleman from Cochise, Mr. Cunningham, a question. What does a "recognized method of healing" mean?

Mr. Cunningham: Mr. President, I would be glad to inform the gentleman from Gila if I thought I could do so in any reasonable time. I think he understands the meaning of the word "recognized", and I do not think the gentleman is hardly sincere when he desires me to give the definition.

Mr. Weinberger: I asked because I do not know. I want to vote intelligently.

Mr. Morgan: The gentleman from Graham has talked more sense than any gentleman. I think he is right and I propose to stay with him.

(Speech by Mr. Tuthill omitted and sent to him)

Mr. Webb: I regret very much that there is a division in the Graham delegation, but it seems unavoidable. I will say frankly that the purpose of this bill was to make it possible for osteopaths to practice in Arizona. They are admitted to practice on equal footing in more than forty states; in Arizona we claim they should have the right. They simply ask for fair play; they have a four years' course, and I have here a pamphlet showing the branches taught in their colleges.

Mr. Morgan: I have known of hundreds of cases where the osteopaths and allopaths have failed to cure a man, and the physical culturists came in and worked a cure. Now, this proposition would not prevent the physical culturists from practicing in Arizona, or the Mormon elder. If I was sick and had more faith in the administration of the Mormon elder, if I choose to have him work on me, would he be any more responsible if I died than the ordinary doctors, Dr. Tuthill, for instance?

Mr. Webb: I see I was mistaken about the length of the course of the osteopaths. They have three terms of nine months.

Dr. Tuthill: In reference to this, I will say that this requires only three years' course. There is no recognized college of first class reputation at the present time outside of osteopaths, which recognize less than a four years' course. Some have longer. I am absolutely fair; I believe the practice of medicine should be made more difficult to us who are practicing. I think we should do like the medical officers of the army, who are required to be examined every five years, to see whether they are studying or traveling the "cocktail route". This may seem foolish and idle, but literature with new discoveries in the line of medicine is accumulating very rapidly, and it requires an enormous amount of time to keep up with the latest researches on the subject.

(Speech by Mr. Cooper omitted and sent to him)

Mr. Cunningham: I rise for the purpose, with the consent of my second, of withdrawing that part of my motion to insert the word "recognized."

Mr. Webb: The second consents.

(Speech by Mr. Wells omitted and sent to him)

(Speech by Mr. Tuthill omitted and sent to him)

Mr. Lynch: I want to renew the motion I made a few moments ago, to strike out the words "or other method of healing." Now, I cannot see any objection to the bill without those words, but I am free to confess that these words in it open the door to question. If you strike out these words, the clause cannot be objectionable to any recognized school of medicine, either the regulars, allopaths or osteopaths.

Mr. Keegan: I second the motion.

(Speech by Mr. Wells omitted and sent to him)

(Speech by Mr. Parsons omitted and sent to him)

Mr. Tuthill: Will you put in a provision that will force the patients to pay the doctor?

Mr. Parsons: I would like to have it that the family physician draws pay for each member of the family while that member is well, and when he is sick the doctor gets no pay. It seems to me that here is the proposition. We are going to fix it so our legislators' hands will be tied and there will be only these four schools of medicine. I say it is not right. We see there is progress even in the system of medicine. It has made some progress in the recognized system. First it was the allopath; then the homeopath; now the osteopaths have come, I say let us put ourselves on record as not being in favor of granting special favors to any of this class.

Mr. Tuthill: Mr. Chairman, they seem to have misunderstood my stand. My stand is not against the Christian Scientists. My stand is against the so-called branches of the regular schools, which are used largely in the United States to cover pure quackery. Take up an El Paso paper and you will see two pages of absolute lies. They will cure anything from ingrown toe nails to anything else, all by the same method. If you are going to put this in make it wide open in the method of healing.

Mr. Kingan: Mr. Chairman, I simply want to call the attention of the committee to the fact that it is now fifteen minutes of eleven o'clock.

Mr, Webb: Mr. Chairman, just one word in answer to the last remarks of the gentleman from Graham. He has said some unfair things, but I hold no resentment for the reason that I know it is a misapprehension. I know the osteopaths have just as high a standard of ethics as any school of medicine I know of. In the gentleman's own school you will find quacks and it is not good professional ethics in any school of medicine to advertise, but the gentleman won't deny that there are members of his own school that are quacks.

Mr. Morgan: Mr. Chairman, before I vote on this question, I would like to tell of something that happened right here in Phoenix. I attended the justice court one morning and I found a doctor was being tried, who did not belong to any of the regular schools, and knowing that the trial was coming on, he had the whole justice court full of his patients. There was also ten or fifteen Phoenix doctors there giving the justice of the peace pointers on how to go to work. "He cured me;" "He cured me," came from men and women, dozens of them, but the decision of the justice of the peace was: "One hundred dollars and costs," you don't belong to the regular schools.

Mr. Chairman: You have heard the motion. It is on the adoption of the amendment offered by Mr. Lynch. Those in favor say aye; those opposed no.

Mr. Kingan: Mr. Chairman, I wish to say a word in explanation of my vote. I am not opposed to Christian Science, not opposed to Osteopathy, but it seems to me the words here are entirely too broad and open wide the door to all sorts of trickery, and therefore I vote aye.

Mr. Chairman: The motion is lost.

Mr. Short: Just one moment. I would like to ask someone who might happen to know, if this will repeal the present laws on the statute book. If it does not this does not mean anything and had better be left out of the constitution.

Mr. Chairman: You have heard the motion. All those in favor of the adoption of the report will signify by saying aye; opposed nay. Call the roll.

Mr. Short: I would like to explain my vote. If this meant anything I would vote for it. Under the present form I will have to vote no.

Roll call showed 24 ayes and 24 nays.

Mr. Chairman: The motion is lost. A motion to indefinitely postpone is in order. The question comes up on the motion of Mr. Cunniff to indefinitely postpone. All those in favor signify by saying aye; opposed no. The ayes have it and it is so ordered.

Mr. Webb: Mr. Chairman, I want a roll call please,

Mr. Chairman: The clerk will call the roll.

Roll call showed 27 ayes and 17 nays.

Mr. Chairman: The motion is carried, and so ordered. The secretary will read the next proposition on the calendar.

Secretary: (reading) "Report of committee of schedule, mode of amending, and miscellaneous on Proposition No. 14, recommending that it be indefinitely postponed.

Mr. Cunniff: Mr. Chairman, I would suggest that we get the committee's substitute on constitutional amendments before we pass any motion to postpone. On hearing the committee's report the other day it is a much better scheme of constitutional amendment and briefer and follows a better model than the one reported by the committee. I would like to hear what the committee has to say before we postpone this one. I move that the consideration of Proposition No. 14 be postponed until such time as the committee's substitute report proposing the form of constitutional amendment is before the committee of the whole.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Chairman: The secretary will read the next proposition on the calendar.

Secretary: (reading) "Majority report of committee on schedule, mode of amending and miscellaneous on Proposition No. 132, recommending that the Substitute proposition submitted be substituted for Proposition No. 132 and that substitute proposition No. 132 do pass."

"Minority report of committee on schedule, mode of amending and miscellaneous on Proposition No. 132, recommending that it be indefinitely postponed."

Mr. Parsons: Mr. Chairman, I move the adoption of the minority report.

Mr. Cunniff: I second the motion. Mr. Chairman, I would suggest that an amendment be made to that motion. I do not think that we ought to pass a motion here to the effect that this be indefinitely postponed for the reason that Mr.

Kingan opposes the creation of any more state officers. I would suggest that Mr. Parsons change the form of his motion if he is willing to do so. Otherwise I would withdraw my second to that motion.

Mr. Parsons: Mr. Kingan gives that as his reason, and I will move that it be indefinitely postponed without modification.

Mr. Cunniff: I second the motion.

Mr. Chairman: It is moved and seconded that Proposition No. 132 be indefinitely postponed.

Mr. Tuthill: I merely want to put myself on record as opposing the motion. I realize that there are a great many offices created by this convention, and I realize that Mr. Kingan's reason is a good one, but as a physician,- a man who has the health of this county greatly at heart,- I could not vote for that.

Mr. Weinberger: Mr. Chairman, I will say that the legislature will still have the authority to establish any other board or set of officers it sees fit, and for that reason I will vote to sustain the motion.

Mr. Colter: It is true that the legislature can establish any office that it sees fit, but that is no reason we cannot in this constitution establish such offices as we see fit, and I think we have established offices that are not, in my opinion, as important as this one. It is an office that instead of being an expense to the taxpayers will be of profit to them, because by having this state sanitary inspector it will keep away a great many epidemics we are now having. We have to pay our health officers whenever these epidemics come $10.00 a day and expenses. A few dollars spent in preventing this, which an experienced sanitary inspector could do, would mean a great deal. From an economical standpoint, and for the welfare of the people, I certainly insist we should establish an office of this kind.

Mr. Crutchfield: Mr. Chairman, I would like to say just a word. I believe there is in this proposition the germ of a most excellent provision, that if attended to now will save a great deal of trouble in years to come. I believe that if the gentleman on the real pretense of not creating any more state officers prohibits this proposition from carrying, they will do so on the ground that it is not well taken. The creation of state officers is absolutely necessary. The enabling act provides for it.

Mr. Kingan: Will the gentleman give way for a question?

Mr. Crutchfield: Certainly, sir.

Mr. Kingan: How much taxes have you paid this year?

Mr. Crutchfield: I have not figured my taxes; probably on $7,500, if the gentleman has a right to ask. Mr. Kingan, will you also tell us how much taxes you are to pay?

Mr. Kingan: I have to pay more than that.

Mr. Chairman: The gentlemen will confine themselves to the question.

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. Colter: Mr. Chairman, I want to say that it takes a man well educated, one who give his whole time and his whole life to be experienced in sanitation. Very few of our doctors are informed on sanitation to the extent that is necessary, and that is the reason why I insist that we should have a sanitary inspector, a man who is well educated along those lines. I want to say in reply to Mr. Kingan that I am a taxpayer, and I have no interest in this matter any more than my interest in the welfare of the people, and that is the reason why I insist on it, from an economical standpoint and the future welfare of this new state.

Mr. Chairman: You have heard the motion. All in favor of indefinitely postponing will signify by saying aye; those opposed no. The nays have it.
Mr. Hunt: I want the secretary to record the fact that I voted no on this proposition.
Mr. Chairman: The secretary will call the roll.
Mr. Winsor: Mr. Chairman, I believe I can vote for this proposition without being accused of attempting to prepare an office for myself, therefore, I vote no.
Roll call showed 33 ayes and 15 nays.
The motion prevailed.
Mr. Chairman: The motion is carried and so ordered. The secretary will take up the next proposition.

Secretary; (reading) Report of committee on schedule, mode of amending and miscellaneous on Proposition No. 145, recommending that it do pass.

Mr. Jones of Yavapai: I move that when the committee arises it report to the convention and recommend that Proposition No. 145 be adopted.
Mr. Weinberger: I second the motion.
The motion prevailed.

Secretary: (reading) "Report of committee on labor on Proposition No. 137, recommending that it do not pass, and that committee substitute Proposition No. 137 do pass."

Mr. Cunniff: I move that the report of the committee be adopted, and that when the committee arises it report to the convention and recommend the adoption of Substitute Proposition No. 137.
Mr. Ingraham: I second the motion.
The motion prevailed.

Secretary: (reading) "Report of committee on labor on Proposition No. 110, recommending that it do not pass."

Mr. Cunniff: I move that when the committee arises it report to the convention and recommend that Proposition No. 110 do not pass.
Mr. Winsor: I second the motion.
The motion prevailed.

Secretary; (reading) Report of committee on labor on Proposition No. 141, recommending that Substitute Proposition No. 141 do pass.

Mr. Feeney: That was the substitute, if you will remember, in the discussion of the child labor law, which was referred back to the committee on labor. We went over the features that were objectionable, and finding that the sentiment of the convention was for the abolition of child labor, we tried to write a substitute that would meet what was wanted. We eliminated those objectionable features,- such as the boys selling newspapers, night messenger boys, etc. This is the printed copy of that substitute.
Mr. Bolan: The main objection seems to be that of manufacturing plants; consequently this was referred to us in order that we should eliminate the objectionable points.
Mr. Webb: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition No. 141 be adopted.
Mr. Coker: I second the motion.
Mr. Chairman: The question is upon the adoption of the

committee's report.

Mr. Cunniff: I offer an amendment as follows: "No child under fourteen years of age shall be employed in any gainful occupation at any time during which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals, or hazardous to life or limb; nor in any occupation at night, or for more than eight hours in any one day." Mr. Chairman, my reasons for offering this amendment are because I had the pleasure last evening of talking with a member of the National Labor Association and he informed me that they were endeavoring to bring this measure into effect for years. They have worked very carefully and have secured the provision in some states. I think that Arizona would be taking one of the wisest steps in adopting this measure. I do not think that it has any evil or bad effect upon children or boys to work at certain kinds of work outside of school hours. I did it myself and was very much aided in so doing, yet I think this provision should be made to protect those children who might be subject to duties and labors that are injurious to them. It seems to me that this is a very thoughtful and carefully worked up measure that should be adopted.

Mr. Feeney: The amendment offered by Mr. Cunniff is just what we needed and the committee on labor desired to make such a provision, but did not know just how to draw it up. For this reason we are glad now to have the amendment offered. It meets my idea exactly and I think I can speak for the other members of the committee.

Mr. Ellinwood: I heartily agree with the amendment offered, but I want to know if the word "occupation" will be interpreted correctly.

Mr. Cunniff: In regard to this I do not think there will be any trouble in interpreting this clause. Hazardous occupation in the states of Massachusetts and New York, which have been carefully examined, are very similar to this, and "gainful occupation" means an occupation for which wages are paid. This would also mean during the time of school hours. I think the compulsory school law will take care of the rest of the day during the school term.

Mr. Webb: I think the gentleman from Yavapai is right in a general way, but I am like Mr. Ellinwood, I think there can be a wrong interpretation placed upon the clause. Does the word "session" mean months or hours?

Mr. Ellinwood: I have come to the conclusion that it means hours.

Mr. Webb: I am in sympathy with this provision and the subject, but what will you do about those people who live so far away from school that it is impossible for them to send their children to school, but have taught them at home. Would this be interpreted a violation of the law? If not, I believe it is good.

Mr. Feeney: I think there will never be any question of this kind in the country, or on ranches. However, this is principally for the city boy. There will never be any question upon that.

Mr. Standage: I cannot see why it will not apply to ranches and farmers, as many children are kept out of school to work upon farms.

Mr. Cunniff: The compulsory school law should take care of these cases.

Mr. Webb: I simply say that where parents do not send their children to school they should be allowed to work on farms when they cannot do otherwise.

Mr. Winsor: I move we adopt the amendment, and when the committee arises recommend it to the convention.

Mr. Parsons: I second the motion of the gentleman from Yuma.

The motion prevailed.

Mr. Chairman: The question now comes up on the adoption of the substitute proposition No. 141. Those in favor of recommending the adoption say aye; those opposed nay. The motion is carried. The proposition is adopted.

Secretary: (reading) "Recommendation of committee on labor that Proposition No. 137 be indefinitely postponed."

Mr. Cunniff: I move the recommendation of 137 be adopted.

Mr. Webb: I second that motion.

The motion prevailed.

Secretary: (reading) Recommendation of committee on labor that Proposition No. 12 be indefinitely postponed.

Mr. Webb: Mr. Chairman, I move that when the committee do arise that it recommend that Proposition No. 12 be indefinitely postponed.

Mr. Jones of Maricopa: I second that motion.

The motion prevailed.

Secretary: (reading) Recommendation of committee on labor that Substitute Proposition No. 76 do pass.

Mr. Cunniff: I move that when the committee arise that it recommend that Committee Substitute Proposition No. 76 do pass.

Mr. Wood: I second that motion.

The motion prevailed.

Mr. Ellinwood: I noticed that there is no provision for salary.

Mr. Webb: They do not need it.

Mr. Jones of Yavapai: No provision for the selection of officers was made, and I move that we leave this open with power to fix the salaries.

Mr. Cunniff: I move that this be recommitted to the committee on labor as an expeditious way of getting this before the committee of the whole again.

Mr. Cunningham: I move an amendment to that motion that Proposition No. 76 be indefinitely postponed.

Mr. Webb: I second that motion.

Mr. Winsor: I will call your attention to the rules, which require that propositions must be considered section by section.

Mr. Webb: In answer to the gentleman from Yuma I will say that it is in order to move indefinite postponement of a question at any time before it is adopted.

Mr. Chairman: The question comes up on the motion to postpone indefinitely Proposition No. 76. Call the roll.

Mr. Connelly: I wish to make this explanation, that the question of creating the office of boiler inspector and mining inspector was under discussion and while we provided for one it was also our intention to provide for the other as well.

Mr. Chairman: Call the roll.

Roll call showed 22 ayes and 24 nays.

Mr. Chairman: The motion is lost.

Mr. Bolan: In regard to this matter, I would say that the committee on labor drafted a new measure providing for a mining inspector and left it to be decided as to what that office should be, but thought that one of the commission might serve in that office and we have left it in that shape.

Mr. Cunniff: I move that when the committee arises that it recommend that Substitute Proposition No. 76 do pass.

Mr. Connelly: I second that motion.

Mr. Ingraham: I move to amend, that Substitute Proposition No. 76 be referred to the committee on labor and that typewritten copies be made and placed upon the desks.

Mr. Cassidy: I second that motion.

Mr. Cobb: I further move that when the committee arises that it recommend to the convention that Substitute Proposition No. 76 be indefinitely postponed.

Mr. Webb: I second that motion.

The motion failed to pass.

Mr. Chairman: The questions now come up on the motion of the gentleman from Yuma, Mr. Ingraham, to refer this proposition to the committee on labor. Those in favor of the motion will say aye; those opposed nay. The motion is carried.

Mr. Tuthill: I move that the committee do now arise and report progress.

Mr. Wills: I second that motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The convention will come to order. Mr. Roberts is recognized.

Mr. Roberts: "Mr. President: Your committee of the whole begs leave to report it has examined propositions No. 23, 60, 14, 132, 145, and Substitute Proposition No. 137, Proposition No. 110, 141, 36, 136, 12 and 76 and respectfully recommend that Proposition No. 23 be indefinitely postponed. That proposition No. 60 be indefinitely postponed; that Proposition No. 132 be indefinitely postponed; that Proposition No. 110 be indefinitely postponed; that Proposition No. 86 be indefinitely postponed; that Proposition No. 136 be indefinitely postponed; that Proposition No. 12 be indefinitely postponed; that Proposition No. 14 be indefinitely postponed; until Proposition No. 54 is before the committee of the whole. That Substitute Proposition No. 137 do pass; that Substitute Proposition No. 141 do pass as amended in the committee of the whole; that Substitute Proposition No. 76 be referred to the committee on labor to get typewritten copies thereof.

Mr. Roberts: Mr. President, I move that the report of the committee of the whole be adopted.

Mr. Cunningham: I second that motion.

The motion prevailed.

Mr. Roberts: I move that Propositions No. 23, 60, 132, 110, 86, 136 and 12 be indefinitely postponed.

Mr. Cunningham: I second the motion.

The motion prevailed.

Mr. Roberts: I move that Proposition No. 14 be postponed until Proposition 54 is before the committee of the whole.

Mr. Cunningham: I second that motion.

The motion prevailed.

Mr. Roberts: I move that Substitute Proposition No. 137 do pass.

Mr. Ellinwood: I second that motion.

The motion prevailed.

Mr. President: Shall it be engrossed and have a third reading?

Mr. Webb: I move that Substitute Proposition No. 137 be engrossed, have a third reading and be referred to the committee on style, revision and compilation.

Mr. Coker: I second that motion.

The motion prevailed.

Mr. Roberts: I move that Substitute Proposition No. 141 be adopted.

Mr. Bolan: I second that motion.

The motion prevailed.

Mr. President: Shall it be engrossed and have a third reading?
Mr. Weinberger: I move that Substitute Proposition No. 141 be engrossed, have a third reading and referred to the committee on style, revision and compilation.
Mr. Cobb: I second that motion.
The motion prevailed.
Mr. Roberts: I move that Proposition No. 76 be referred to the committee on labor, copies typewritten and placed upon the desks.
Mr. Feeney: I second that motion.
The motion prevailed.
Mr. Feeney: I move that the convention take a recess until 1:30 p. m.
Mr. Winsor: I second that motion.
The motion prevailed.
Convention stood at recess until 1:30 p. m.

AFTERNOON SESSION.

Mr. President: Gentlemen of the convention, we will call the convention to order, and then, if there is no objection, we will take a recess for fifteen minutes. Hearing no objections, it is so ordered.
Recess taken for fifteen minutes.

Mr. President: The convention will come to order. Reading of minutes.
Minutes read and approved.
Mr. Cunningham: Mr. President, I move that we suspend the rule requiring a proposition to lay on the desk of members one day, as we have a number of printed copies of propositions on our desk, and the secretary has a calendar made up undated, with which he will be able to supply the members. This will greatly expedite the work of the convention, if the members so desire. I move that the rules be suspended.
Mr. President: If there is no objections, it will be so ordered.
(Speech of Mr. Cunniff, omitted and sent to him)
Mr, Winsor: I move you that the chair appoint a select committee of three to investigate this matter of a seal.
Mr. Cunniff: I second that motion.
The motion prevailed.
Mr. President: We have some propositions to come up for third reading. Do the gentlemen want third readings? Objection was made this morning that not all were here.
Mr. Weinberger: I move we proceed with the third reading.
Mr. President: If there is no objection, we will proceed with the third reading.
Mr. Winsor: There is nothing on the calendar. We have no calendar for third reading, and we have no way of knowing what is coming up. The rules require a calendar.
Mr. President: The secretary will read the propositions up for third reading.
Secretary: (reading) Propositions No. 47, introduced by Mr. Parsons, of Cochise county, relative to labor contracts.
Mr. President: Third reading of the proposition. Those in favor of the proposition will answer aye as their names are called, and those opposed will answer no. The secretary will call the roll. This is on third reading.
Roll call showed 32 ayes and 12 nays.
Mr. President: The proposition is passed. It will be referred to the committee on compilation.
Secretary: (reading) Proposition No. 108, introduced by

Mr. Bradner of Cochise county, relative to elections.

Mr. President: Third reading of the proposition. Those in favor of the proposition will answer aye as their names are called; those opposed answer no.

(Speech by Mr. Cunniff omitted, sent to him)

Mr. Bradner: I think it has been already decided a primary election is not an election; therefore that would not apply.

Mr. Parsons: If the gentleman from Yavapai is sincere, as I believe he is, and if he wants this money or property qualification in order to prevent those who are not bona fide candidates, I think the only way is to require a certain number of persons to sign the petition. I think that is true now of the primary election law we have, and I think it is a very wise provision, and does not smack anything of a property qualification for voting, and I would be very much more in favor of a petition of a certain number of voters in the district to be represented by the candidate rather than have a property qualification.

Mr. Cunniff: I think the points made by both the gentlemen are good, and I thank them for the advice.

Mr. President: Call the roll. Those in favor answer aye; opposed no.

Roll call showed 42 ayes and 6 nays.

Mr. President: The proposition is passed.

Secretary: (reading) PropositionNo. 72, introduced by Mr. Ellinwood.

Mr. President: Third reading of the proposition. Those in favor will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.

Mr. Franklin: With reference to Proposition No. 72, in my opinion it is absolutely repugnant to the employer's liability act passed by this convention, and if this is adopted it absolutely does away with it, in my opinion. I therefore vote no.

Mr. Orme: I have the same objection to this bill as has Mr. Franklin, and that it is absolutely uncalled for. I therefore vote no.

Roll call showed 26 ayes and 17 nays.

Mr. President: Gentlemen of the convention, I will have to declare this proposition lost. There are only 26 votes for it.

Secretary: (reading) Proposition No. 140, introduced by Mr. Keegan, relative to Juvenile Courts.

Mr. President: Third reading of the proposition. Those in favor will signify by answering aye; those opposed say no. The secretary will call the roll.

Roll call showed 46 ayes and no nays.

Mr. President: The proposition has passed.

(Speech by Mr. Winsor omitted and sent to him)

Mr. Franklin: Mr. President, I may be in error about this, but it was my idea concerning these rules when I recommended their adoption that this applied to third reading. In order to be finally adopted the proposition should receive a majority vote of the members elected to this constitutional convention.

(Speech by Mr. Winsor omitted; sent to him)

(Speech by Mr. Franklin omitted, sent to him)

Mr. President: I would first like to ask Mr. Goldwater, who I believe was a member of this rules committee, what his understanding was.

(Speech by Mr. Goldwater omitted, sent to him)

Mr. Cunningham: I am opposed to the particular measure now under discussion, but in the spirit of fairness and fair play I am convinced that this measure has passed this convention. I do not think it makes any difference what the members of the committee on rules intended to do. I think the rules themselves should be controlling, and I think a fair construction of these rules shows their meaning to be that a majority of the members elected is required only after the measure has come back from the style, revision and compilation committee in the form of a complete constitution. I do not see how any other meaning can be given to these rules.

Mr. President: The chair will so rule.

Mr. Cobb: I would suggest it would be a good idea to allow these bills to continue on third reading until they receive a majority vote either for or against. There won't be more than a few with the vote so close.

Mr. President: The chair will declare he was in error in declaring that 27 votes were necessary for passage on third reading. Proposition No. 72 will be declared carried. I am glad to have this come up at this time, because it will settle this point. Proposition No. 72 will be referred to the committee compilation, and when it comes back you have another chance to vote on it.

Mr. Cobb: I rise to a question of information. I understand the chair decided although the last proposition received only 26 votes it was approved. Now, suppose there were only 40 members present, and the majority voted against the approval of the proposition, they would kill it, and not have 27 against it. I think that decision is wrong. I think you should have 27 votes either for or against.

Mr. Franklin: As I understand it, on the report of the committee on style, revision and compilation we have a vote upon their report. We do not have a vote on the adoption of the proposition; we adopt the report of the committee.

Mr. President: And then you have a vote on the Proposition by sections.

Mr. Franklin: What will be adopted, the report of the committee, or the proposition?

Mr. President: We have gotten through the third reading, and the convention will now resolve itself into a committee of the whole, with the gentleman from Graham, Mr. Lynch in the chair.

Mr. Goldwater: Before you go into the committee of the whole, I would like to make my motion for reconsideration of Substitute Proposition No. 103.

Mr. Webb: I second the motion.

(Speech by Mr. Goldwater omitted; and sent to him)

Mr. Winsor: Mr. President, before that vote is taken, I want to say that the efforts that have been put forth on the part of certain newspapers to appoint me to this office of legislative secretary are entirely misplaced. I appreciate the honor very much, but I do not think there are enough people in Arizona to make me take that office. I can think of a great many who are better qualified for the position than I am, and I want to say that I have absolutely no designs upon the place at all.

Mr. Cunniff: Mr. President, I would like to explain that this bill was drawn up by Mr. Cassidy, who spent a long time on it, and did work on it before this convention convened. He corresponded with people in various parts of the country, and it seems to me he had done an excellent job, one of which the delegates of this convention might be proud-- without any views of any personal advantage therefrom,-simply as a loyal member of this convention and a loyal citizen of Arizona.

Mr. President: Call the roll.

Roll call showed 30 ayes and 15 nays, excused 2.

Mr. President: The motion is carried. The question will be reconsidered.

Mr. Goldwater: Mr. President, I move that the bill be re-referred to the committee that reported it so that they may bring it in again.

Mr. Lynch: I second the motion.

Mr. Webb: Mr. President, I move to amend and move that the Proposition be indefinitely postponed.

Mr. Weinberger: I second the motion.

Mr. Jones of Yavapai: I do not like to see this proposition indefinitely postponed. I think this proposition is one of the most important ones we have acted on, and I am taking my position from the position that has been taken by this convention. I do not expect that the future legislature will be any more competent than is this convention, but I do say that we have done some things here in the appointing of attaches that I am really ashamed of. The other day, just after our committee on printing and clerks reported to us that we have five extra clerks--employees that were doing nothing and were of no use in this convention--we turned around on top of that and created another job and appointed a man to the position.

Mr. Osborn: Mr. President, we did not create any more jobs. This was to fill a vacancy.

(Speech by Mr. Webb omitted and sent to him)

Mr. President: Those in favor of the indefinite postponement will answer aye; opposed no. The secretary will call the roll.

Mr. Colter: I would like to explain my vote on this proposition. I am going to vote aye on this proposition because I think we are not getting at this in the proper way. I think the convention or the legislature should have the power to choose their own clerks. It looks to me as if it would be inconsistent for them not to have that authority, and I would be in favor of bringing it up in a different form so as to have qualifications--every attache to have a standard.

Mr. Connelly: I would like to explain my vote. The gentleman from Apache explained his vote because he was entitled to fully half of Apache county at the next legislature. He got three attaches in this convention with one delegate, and Cochise County with ten delegates only got seven. I am opposed to that kind of a proposition, and I vote no.

Mr. Orme: Mr. President, I want to explain my vote. I am opposed to creating so many territorial offices. We have offices for forty or fifty men, and the taxpayers have it to pay. I am opposed to establishing any more offices in any way, shape or form. I vote aye.

Mr. Webb: Mr. President, I desire to explain my vote. I deny the right of any member on this floor to give Apache credit for the apportionment of all the attaches that came from Apache County. Graham county claims the credit for one of them, and possibly two of them. I vote aye.

Roll call showed 28 ayes and 19 nays.

Mr. President: The proposition has been indefinitely postponed. (applause).

Mr. President: If there are no objections, the convention will now resolve itself into a committee of the whole, with the gentleman from Graham, Mr. Lynch in the chair.

Mr. Chairman: The committee of the whole will come to order. The secretary will read the first proposition on the calendar.

Secretary: (reading) Report of committee on legislative department, distribution of powers and apportionment on proposition No. 93, recommending that said proposition be referred to the committee on preamble and declaration of rights. Report of committee on preamble and declaration of rights on Proposition No. 94, recommending that Substitute Proposition No. 94 be adopted.

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. Chairman: Gentlemen, you have heard the report of the committee on substitute proposition No. 94. What is your pleasure?

Mr. Parsons: Mr. Chairman, I move that it be considered by sections.

Mr. Chairman; If there is no objection to section 1, it will be considered adopted.

Mr. Ingraham: Mr. Chairman, I move an amendment that the words "and social" be included before the word "rights."

Mr. Chairman: You have heard the amendment that the words "and social" be inserted before the word "rights." Do I hear a second?

Mr. Feeney: I second the motion.

Mr. Chairman; Are there any remarks on the amendment? If not, as many as are in favor of the amendment will vote aye when their names are called; contrary no. The motion is lost. If there are no further amendments to section 1, it will be considered adopted. If there are no amendments to section 2, it will stand approved.

Mr. Ingraham: I move that that be stricken out as it is absolutely unnecessary.

Mr. Jones of Maricopa: I second the motion.

Mr. Chairman: The chair will entertain the motion, although it comes late. The gentleman from Yuma, Mr. Ingraham, moves that Section 2 be stricken out. As many as favor the motion will signify by saying aye; contrary no. The motion is lost. Section 2 is adopted. If there are no amendments Section 3 will be considered adopted. Are there any amendments to section 4?

Mr. Parsons: Mr. Chairman, in order to make this consistent with section 1, as adopted, I move that we strike out the word "common" and insert the word "individual."

Mr. Ingraham: I second the motion.

Mr. Chairman: As many as favor the motion will signify by saying aye; contrary no. The motion is lost. Are there any further amendments to section 4? If not, it will be considered adopted. Any other amendments to section 5? If not, it stands approved and is adopted. Are there any objections or amendments to Section 6? If not it will be considered passed. If there are no objections to section 7 it will be adopted. If there are no objections to Section 8 it will be adopted. If there are no amendments section 9 will be adopted.

Mr. Cunniff: Mr. Chairman, may I request that this job be done a little more slowly. I have an idea that in section 8 - - -

Mr. Chairman: The chair will entertain a motion on section 8 if the gentleman wishes. If there are no objections section 9 will be considered adopted. Are there any amendments to section 10? If not, section 10 will be considered adopted as read.

Mr. Cunniff: Mr. Chairman, may I ask consent to revert to section 8 and move that the words "by the legislature" be cut out?

Mr. Wood: I second the motion.

Mr. Chairman: The chair will entertain the motion. All who are in favor of the amendment signify by saying aye; opposed no. The motion is carried.

Mr. Kingan: Mr. Chairman, I would like to ask a question. Section 8 as it stood before the amendment limited the legislature. It now limits the people. Is the gentleman afraid that the people of Arizona, by the exercise of the lawmaking power in their own hands can ever so err as to ever irrevocably grant any privilege, franchise or immunity?
Mr. Cunniff: No.
Mr. Cunningham: Then I ask why strike it out?
Mr. Chairman: The motion has been put and carried.
Mr. Short: Mr. Chairman, I move you that we further amend this section by striking out the word "passed" and inserting the word "enacted."
Mr. Cunniff: I second the motion.
Mr. Chairman: As many as favor the motion will signify by saying aye; contrary no. The motion prevails and is so ordered. If there are no further objections or amendments the section will be approved. We will proceed to section 11. That is allfrom the constitution of Washington with the exception of the brackets in line 3.
Mr. Chairman: If there are no amendments section 11 will be considered adopted as read and is adopted. Section 12.
Mr. Short: Mr. Chairman, I move the same amendment in regard to this in line 13 that the word "enacted" be inserted in place of the word "passed."
Mr. Feeney: I second the motion.
The motion prevailed.
Mr. Chairman: If there are no objections section 13 will be adopted as read and is adopted. Section 14.
Mr. Ingraham: Mr. Chairman, I would like to ask what became of the word "unusual" before "punishment", which I believe is included in the customary phrase.
Mr. Cunningham: Mr. Chairman, I move to insert after the word "cruel" in line 20 the words "or unusual."
Mr. Feeney: I second the motion.
Mr. Ingraham: Mr. Chairman, the gentleman from Maricopa, the chairman of the committee on Bill of Rights, says that the words "or unusual" do not occur in the Washington bill of rights. I would say, Mr. Chairman, that the law in the state of New York, concerning execution of criminals by electricity was attacked on the ground that it conflicted with the provision against unusual punishments. Probably a law to provide for the execution of criminals by that method would even now be held unconstitutional by most courts because it is an unusual punishment. I do not think the custom of electrocution has been sufficiently used so that a court would say that it was not an unusual punishment.
Mr. Cunniff: I would suggest that it was unusual when it was introduced in New York but it is no longer unusual.
Mr. Franklin: Mr. Chairman, I would suggest that in this section we use the phrase "is used in the constitution of the United States, and I therefore move an amendment to the motion of the gentleman from Cochise, Mr. Cunningham, by inserting the word "and" for the word "or". It will read "cruel and unusual."
Mr. Cunningham: I accept the amendment, with the consent of my second. I think it is the better and more proper word.
Mr. Chairman: The question is now upon the insertion of the words "and unusual" after the word "cruel" in line 20. As many as favor the motion will answer aye; contrary no. The motion is carried. If there are no further amendments Section 14 will be considered adopted. If there are no amendments Section 15 will be considered adopted as read.

Section 16.
Mr. Cunniff: Mr. Chairman, I move that the word "the" before the word "fourth" in line 6 be stricken out on page 6.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Franklin: Mr. Chairman, in reading this section I notice the words "and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor has been made in money, etc." Do I understand the framers of this provision to mean that where a municipal corporation takes a man's property for a street purpose or for an alley purpose, and has a right of way through his property, the property owner shall not be paid any compensation therefor? If this is the intention it seems to me that it is an absolute hardship. There are in this city private residences and under this provision the municipal authorities take that property and not pay a single cent for it.
Mr. Parsons: Read the first four lines on that page.
Mr. Franklin: I move you, Mr. Chairman, that the words on line 4 in Section 1 "other than municipal" be stricken out.
Mr. Cunningham: I second that motion.
Mr. Chairman: The motion is made that the word "other than municipal" on line 4 be stricken out.
(Speech by Mr. Parsons omitted and sent to him)
(" " " Franklin " " " " ")
(" " " Ingraham " " " " ")
Mr. Chairman: As many as favor the motion to strike out the words "other than municipal" after the word "corporation" in line 4, will signify by saying aye; opposed no. The secretary will call the roll.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Chairman: The secretary will call the roll.
Roll call showed 20 ayes and 28 nays.
Mr. Chairman: The motion is lost.
Mr. Webb: Mr. Chairman, I ask your indulgence, please, to refer back to Section 11. You passed it hurriedly.
Mr. Chairman: If the gentleman from Graham will wait until we have completed Section 16. Are there any further amendments to section 16? If not, the section will be considered adopted as made.
We will refer back to section 11.
(Speech by Mr. Webb omitted and sent to him)
Mr. Weinberger: I second the motion.
Mr. Chairman: You have heard the motion. All those in favor signify by saying aye; opposed no. The secretary will call the roll.
Roll call showed 36 ayes and 10 nays.
Mr. Chairman: The motion is carried.
Mr. Jones of Yavapai: Mr. Chairman, I move that in line 6 the words "no public property or money shall be appropriated, etc." down in line 8 to the word "no" be stricken out. That appears in Proposition No. 100.
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Chairman: Are there any further amendments? If not, we will pass to section 17.
Mr. Kingan: Mr. Chairman, what is the meaning of that sentence: "there shall be no imprisonment for debt except in cases of fraud." I move you that these words "except in cases of fraud" be stricken out.
Mr. Cooper: I second the motion.
Mr. Tovrea: Mr. Chairman, that is the only way a man can

be imprisoned for debt now. It prevents his getting out of the country and taking all his property with him. I object to having that taken out of here.

Mr. Connelly: I believe under the present law they have it that if a man beats his board bill he cannot leave town. That was put in there so that if a man beats his board bill he cannot leave town and take his property with him.

Mr. Weinberger: Mr. Chairman, I agree with the gentleman from Pima that the words ought to be stricken out. If a man skips out without paying his board bill he is punished for the crime and not for beating the debt. If a man skips out of the country he is guilty of a certain crime. There are certain crimes for certain kinds of debts and he is punished under the criminal law and not under the civil law. So I am in favor of excluding those words.

Mr. Colter: Mr. Chairman, I would like to ask for information. How could Mr. Weinberger consider it a crime if he skipped out without paying his debts. I do not see how you could term that a crime without you called it a fraud under the statutes. Would he not have to misinterpret?

Mr. Weinberger: I would refer the gentleman to the statutes. That defines what certain crimes are, and that would give better explanation than I could.

Mr. Colter: As I understand, you have to misrepresent. It is not simply the act of a man leaving town; he would have to misrepresent something.

(Speech by Mr. Short omitted and sent to him)

Mr. Kingan: Mr. Chairman, the construction which the gentleman has given this section it seems to me would never be given to it by a court of law. "There shall be no imprisonment for debt except in cases of fraud." That must relate to the debt. The fact of a man getting out of the country cannot relate to the matter of debts. If he gets out of the country after he has created the debt he commits no offense.

Mr. Cunniff: Mr. Chairman, I move an amendment to the motion to place in lieu of the words "except in case of fraud", "except in cases of absconding debtors."

Mr. Feeney: I second the motion.

(Speech by Mr. Franklin omitted and sent to him)

Mr. Weinberger: I wish to ask Mr. Franklin, is it not a fact that a person may be convicted for the commission of a crime and not for contracting the debt?

Mr. Franklin: Not at all; if you go into a hotel and you expect board and lodging, under the statute now with regard to innkeepers, and you go away and do not pay, you are guilty of a fraud. If you go into the hotel and the keeper says "I cannot give you board and lodging, I do not know whether you will pay," you say, "If you will give me board and lodging, I will pay you at a certain time." If he extends you the privilege and you leave without paying you are guilty of a fraud and this is designated to protect that very thing.

Mr. Weinberger: Mr. Chairman, doesn't the statute designate such a transaction a crime?

Mr. Franklin: It absolutely does.

Mr. Weinberger: That is my point exactly.

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. Webb: Mr. Chairman, I would like to ask the gentleman from Yavapai, who introduced the amendment, if it would not make immune those who incur debts under false pretenses.

Mr. Cunniff: I beg to reply that the imprisonment would be then for fraud and not for the debt. This is the only case where imprisonment could be for debt. The other is imprisonment for the crime.

Mr. Webb: Mr. Chairman, I take it that in neither instance is it logical to say that the imprisonment is for the debt since I do not think you can imprison a man for debt in our country, but you can imprison him for absconding under certain conditions if the statute so provides, and if the method in which he may incur the indebtedness is criminal. For the indebtedness itself imprisonment is impossible.

(Speech by Mr. Cassidy omitted and sent to him)

Mr. Chairman: The question is upon the amendment of the gentleman from Yavapai, Mr. Cunniff, striking out the words "except in cases of fraud" in lines 14 and 15 on page 4, and inserting the words "except in cases of absconding debtors." This is an amendment to the motion of Mr. Kingan, striking out the words "except in cases of fraud." The vote will be upon the amendment of Mr. Cunniff.

Mr. Tovrea: I wish to withdraw my second.

Mr. Weinberger: I second the motion.

Mr. Chairman: As many as favor the amendment will signify by saying aye; opposed no. The nays have it. The motion will come up on the original amendment by the gentleman from Pima county, Mr. Kingan, to strike out the words "except in cases of fraud." As many as favor the amendment will signify by saying aye; opposed no. The nays have it.

Mr. Hunt: Mr. Chairman, I offer an amendment that the words "absconding debtors" be inserted after the word "fraud" in line 15.

Mr. Keegan: I second the motion.

(Speech by Mr. Franklin omitted and sent to him)

Mr. Webb: Mr. Chairman, I regret very much to differ from my friends in Maricopa, but I do not think imprisonment under these circumstances would be possible under the provision of this section, as undoubtedly it would require law to make that operative. With that inserted it would make it possible for the legislators (if they may be trusted) to pass laws governing these questions and providing for imprisonment for absconding debtors under certain circumstances and conditions, and certainly that appeals to me as being fair. The whole question is as to whether or not we may trust a legislator in Arizona to do the fair thing.

Mr. Chairman: The question will come up on the amendment of the gentleman from Gila, Mr. Hunt, inserting the words "and absconding debtors" in line 15. As many as favor the amendment will signify by saying aye; opposed no. The nays have it.

Mr. Ingraham: Mr. Chairman, I wish to revert again to section 11. Words were stricken out of that section under the statement that similar matter occurred in another proposition, I believe No. 106. I fail to find any reference in No. 106 to that topic.

Mr. Winsor: No. 119.

Mr. Ingraham: Let it pass for the present.

Mr. Chairman: Ifthere be no further objections to section 17 it will be considered adopted as read. Are there any amendments to section 18?

(Speech by Mr. Parsons omitted and sent to him)

Mr. Cunniff: I second the motion.

Mr. Chairman: The motion is that this section be stricken out.

Mr. Cunniff: Just to cite a case. Johnson, indicted for murder, is being tried. Jones is subpoenaed as a witness in the case. Jones testified "I committed the murder."

Johnson goes free and Jones is granted immunity thereby.
(Speech by Mr. Ingraham omitted and sent to him.)
(" " " Cunningham " " " " ")
Mr. Weinberger: I would like to ask the gentleman from Cochise a question, I would like to ask if he ever heard of a man who offered a bribe turning state's evidence?
Mr. Cunningham: I am not a historian and I cannot answer the question.
Mr. Weinberger: He would have to have a great knowledge of ancient history if he could cite such cases. We have heard of a great many instances in which those who have received bribes have turned state's evidence.
Mr. Jones of Yavapai: I do not think we have to go back very far in ancient history to find where the man who gave the rebate turned state's evidence.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Chairman: The question comes up on the motion of the gentleman from Cochise, Mr. Parsons, to strike out section 18, seconded by Mr. Cunniff. Those in favor of the motion say aye; those opposed nay. The chair is in doubt. Those in favor of the motion to strike out please rise. Those opposed now rise.
Rising vote showed 17 in favor and 20 against.
Mr. Chairman: The motion is lost.
Mr. Cassidy: I move to amend by striking out the words "and offenses against the laws of the state," and insert the words, "bribery or illegal rebating."
Mr. Parsons: I second that motion.
The motion prevailed.
Mr. Chairman: Any objections to section 18? Hearing none we will pass to the next.
Mr. Ingraham: I would just like to point out an error made in amending section 11. I move to reconsider the vote where the sentence in lines 6, 7, and 8, page 3, was stricken out. There is no provision for this at any time.
Mr. Cunniff: I second that motion.
The motion prevailed.
Mr. Chairman: Now the question comes up on the original motion to strike out the sentence in lines 6, 7 and 8, on page 3. Those in favor of the motion to strike out this sentence of section 11 will say aye; those opposed nay. The nays have it and the motion is lost.
Mr. Cassidy: I move to strike out section 19.
Mr. Feeney: I second that motion.
The motion failed to pass.
Mr. Chairman: Any objection or correction to section 20? Any to section 21? Any to section 22?
Mr. Cunningham: I move to amend by striking out the words "or criminal" in line 10, page 5.
Mr. Parsons: I second that motion.
Mr. Crutchfield: I am opposed to striking out those words. I would like to cite you to a personal letter from Judge Slaugh of California, who believed strongly in such a measure. He thinks that it is sufficient evidence to convict or free a man if nine men out of twelve jurors render their decision in harmony without the concurrence of all.
Mr. Weinberger: I would like to ask the gentleman a question if he will yield.
Mr. Crutchfield: I yield.
Mr. Weinberger: Do you know whether that is constitutional or not?
Mr. Crutchfield: I cannot say, but I think some of the constitutional lawyers can tell you.

Mr. Weinberger: You are speaking on this measure.

Mr. Crutchfield: I gave you the quotations from Judge Slaugh, one of the best lawyers and judges in the west.

Mr. Weinberger: I believe it is unconstitutional.

Mr. Chairman: The question comes up on the motion of Mr. Cunningham. Those in favor of the motion will say aye; those opposed nay. The ayes have it.

Mr. Osborn: In line 8, page 3, I move to amend by striking out the words "the legislature may provide" and insert in lieu therefor the words "provision may be made by law."

Mr. Winsor: I second that motion.

The motion prevailed.

Mr. Jones of Yavapai: I move to amend Section 20, if you will grant permission to turn back to section 20. I move to amend section 20, line 3, page 5 by adding to the end thereof, the words, "by those entitled to such right."

Mr. Wood: I second that motion.

The motion prevailed.

Mr. Chairman: If there are no objections to Section 23 it will be adopted.

Mr. Cunningham: I would like to know what is meant by final judgment.

Mr. Wood: Supreme Court.

Mr. Parsons: I move to strike out the words "before final judgment," in line 20, page 5.

Mr. Jones of Maricopa: I second that motion.

The motion failed to pass.

Mr. Chairman: Any amendments to section 24?

Mr. Weinberger: I move to amend by striking out section 24.

Mr. Jones of Yavapai: I second that motion.

Mr. Chairman: Those in favor of the motion of the gentleman from Gila to strike out section 24 will say aye; those opposed no. The secretary will call the roll.

Roll call showed 25 ayes and 13 nays.

Mr. Chairman: The motion is carried.

Mr. Franklin: I move that the committee do now arise and report progress.

Mr. Orme: I would like to have Proposition No. 78 come before the committee of the whole tomorrow afternoon.

Mr. Weinberger: I second that motion.

The motion failed to pass.

Mr. Chairman: We will now vote on the motion of the gentleman from Maricopa county that the committee now arise and report progress. Those in favor of the motion will answer aye; those opposed nay. The ayes have it.

The President resumed the chair.

Mr. President: The convention will come to order, and the gentleman from Graham will report the progress of the committee of the whole.

Mr. Lynch: "Mr. President, I move you that the report of the committee of the whole be accepted."

Mr. Cobb: I second the motion.

The motion prevailed.

Mr. Lynch: I move that the convention take a recess until 7:30 p. m.

Mr. Winsor: I second that motion.

The motion prevailed.

Convention stood at recess until 7:30 p. m.

NIGHT SESSION.

Secretary: (reading) Mr. President, your committee on labor begs leave to report it has had under consideration proposition No. 76, and respectfully reports that same has been typewritten as ordered by this convention. Your committee recommends that the following paragraph be added: "Suitable legislation shall be added to carry the same into effect."

Mr. President: Gentlemen of the convention, we will resolve ourselves into a committee of the whole, and the gentleman from Gila, Mr. Weinberger, will take the chair.

Mr. Weinberger: The committee of the whole will come to order. The first matter for consideration is section 25 of substitute proposition No. 94.

(Speech by Mr. Crutchfield, omitted and sent to him)

Mr. Cunniff: I move this be adopted as amended.

Mr. Winsor: I second the motion.

Mr. Baker: Do you intend to array this constitutional convention on the side of the criminals; do you intend to put the state of Arizona in the position of protecting criminals? Is it possible that this constitutional convention is going to write a decree of this kind, that it will not try to protect the people? I am astounded that these gentlemen have run absolutely wild and crazy about a proposition of this kind.

Mr. Chairman: It has been regularly moved and seconded that section 25 be adopted as read.

Mr. Cunningham: It seems to me the language used in this section is entirely too broad. "The right of persons accused of crime to be inviolate in person" what does that mean? "Shall not be denied or abridged." Does this mean that a man who has stolen goods on his person, cannot have them taken away? I ask for information.

Mr. Crutchfield: I believe I had rather leave it to one of those lawyers.

Mr. Baker: I had rather leave it to a preacher.

Mr. Jones of Maricopa: I move that section 25 be stricken out.

Mr. Keegan: I second the motion. I think this is a mischievous thing to go into a constitution. I understand it was designed to meet a condition that should be corrected, but this is not the place to take care of the proposition.

Mr. Chairman: You have heard the motion of the gentleman from Maricopa to strike section 25 from this proposition. All who are in favor will say aye as their names are called; opposed will say no.

Roll call showed 27 ayes and 12 nays.

Mr. Chairman: Section 25 is stricken from this proposition. What will you do with section 26?

Mr. Cunningham: I move you that section 26 be stricken out.

Mr. Baker: I second the motion.

Mr. Crutchfield: I will just say section 26 has already been adopted by this house, and if I am not mistaken has passed the roll call and been ordered engrossed. We just copied it in its place.

Mr. Cunningham: Mr. Chairman, it is wrong to put this in the bill of rights. There ought to be some method of getting a fair jury in the court, and simply to summon a jury in the open will give you the same men on the jury as long as the constitution stays in force. Therefore, you ought not to have it in the constitution unless it provides that a fair jury be drawn, which this does not provide.

Mr. Chairman: All in favor will answer aye; contrary no. The ayes have it and it is so ordered. Any amendments to section 27?

Mr. Baker: I move an amendment to strike out the words "as shall be provided by law" on lines 11 and 12.

Mr. Cunningham: I second the motion.

Mr. Jones of Yavapai: I move an amendment by striking out the whole of section 27.

Mr. Cunniff: I second the motion. It has already been adopted.

Mr. Cunningham: I think this has been adopted in another place, and the revision committee will necessarily find it if it has carried. I do not know whether the other provision is exactly like this or not.

Mr. Cunniff: This same provision has already been before the committee, and has been adopted and referred to the committee on style, revision and compilation.

Mr. Chairman: Gentlemen, you have heard the motion to strike out part of line 11, which motion was amended to strike out the entire section. The question is now on the striking out of the whole section. All in favor will say aye; contrary no. The ayes have it, and it is so ordered. Any objections to section 28?

Mr. Feeney: I would like to know what this means anyway. I move that this be stricken from the bill of rights.

Mr. Kingan: I second the motion.

Mr. Crutchfield: It seems to me there is nothing wrong with that section. It provides that no privilege or right shall be granted, the exercise of which right or privilege shall endanger the lives, safety or moral welfare of the citizens of the state. In case a man suffers an injury the corporation can claim it had the right to engage in the business engaged in, and therefore the injury coming naturally is not a part of their responsibility; that they are not guilty of negligence, etc. I do not see anything that might be objected to.

Mr. Cunniff: There is a law that permits the incorporation of a mining company, and the mining company after it is incorporated has certain rights and privileges, and in exercising those rights and privileges under the articles of incorporation endangers the lives of miners. Suppose a miner was killed. With such a provision as this, the law giving him right to damages would be unconstitutional.

Mr. Feeney: The other day when we abrogated the fellow-servant doctrine, I thought we gave to all the people the opportunity of getting the assistance of the courts whenever they were in danger. If this was written by the newspaper men to fill space, I would consider it a good proposition, but I cannot see where it can apply after we have written an employers' liability act, and wiped out forever the doctrine of fellow-servant.

Mr. Kingan: We have heard considerable about "jokers" during this convention, but this contains the biggest joker so far. "As would endanger the peace, safety or moral welfare." The State of Arizona licenses the sale of liquor, and this law in the eyes of a great many persons would prohibit such sale, as endangering the moral welfare of the State of Arizona.

Mr. Feeney: This is a joker from the dry side of the question; I could not "savy" it.

Mr. Webb: I do not know what you are considering, as I have just stepped into the convention chamber. I have heard but the last two speeches, but it appeals to me as the proper thing. (laughter) I ask the gentleman from Cochise, my friend Mr. Feeney, if he thinks the law should permit any firm, corporation or person to exercise any right or privilege which would endanger the liberty, the peace, and the happiness of the boys and girls, the citizen of Arizona,

Mr. Feeney: I would state in granting licenses or rights we have shown no special privileges to any, and we came down here advocating "special privileges to none and equal rights to all." I did not know when I ran into this that this was one of the so-called "jokers", as Mr. Kingan says.

Mr. Chairman: You have heard the motion to strike out section 28. All in favor will answer aye; contrary no. The ayes have it, and it is so ordered. Any amendments to section 29?

Mr. Baker: Mr. Chairman, I move that Section 29 be stricken from the bill.

Mr. Webb: I want to second that motion.

Mr. Feeney: I move to amend that motion by striking out all following the word "them" on line 20, to the end of tha section.

Mr. Connelly: Is another amendment in order?

Mr. Chairman: An amendment is out of order. A motion has been made to strike out the entire section, which motion has been amended.

Mr. Cunningham: I rise to a point of order. A motion to strike out the entire section has precedence over an amendment to strike out part.

Mr. Winsor: A ruling of that kind would be manifestly unfair, as a section might be amended so it would be favorable to the majority, and by putting the motion to strike out the entire section at a time when it is in a form not favorable to the majority it would defeat the true expression of the members.

Mr. Webb: If the chair has ruled, I have nothing to say. If it has not ruled, I desire to say that one gentleman proposed an amendment to this proposition that the entire section be stricken out. Now, an amendment is susceptible of one amendment, and the gentleman from Cochise moved to amend that amendment, and certainly no more amendments are in order.

Mr. Chairman: The chair so rules. The question is now on the amendment of Mr. Feeney. All who are in favor of the amendment will say aye; contrary no. The secretary will call the roll.

Roll call showed 24 ayes and 17 nays.

Mr. Chairman: The motion has passed.

Mr. Connelly: I would like to make an amendment to Judge Baker's motion. I move that Section 29 be adopted as amended.

Mr. Roberts: I second the motion.

Mr. Baker: I want to call attention to the fact that you should not put in your constitution a provision of this kind. It is absolutely unnecessary and uncalled for. The people at all times have the right to organize into unions for the advancement of their interests and refrain from any work for any purposes.

Mr. Chairman: The question is on the amendment to strike out Section 29.

(Speech by Mr. Cassidy omitted and sent to him)

Mr. Baker: Why do you not take away all the power of the government to issue injunctions? Why do you not strip it of all power? Do not trust anybody with power. Do not trust any law. Take all law away. Why do you not do it? You must have trust somewhere or other. I do not care whether you like courts or not, whether you like legislatures or not. You have got to trust somebody to exercise your power. The best way for you to do is to vote to have no constitution at all, no law.

Mr. Sims: I would like to know what law this was taken from. Is it copied from some other constitution?

Mr. Crutchfield: I am not certain, but I believe it was

taken from Proposition No. 104 which was referred to us.
Mr. Baker: It was never taken from any constitution of any state in the union that was ever a state. I'll bet you that.
Mr. Cunniff: That looks very much like the language of Judge Alton B. Parker, chief justice, in deciding the case of the enterprise association is the steam fitters. It is now the law of New York state by the decision of that court of appeals.
Mr. Chairman: The question is on the motion to strike out section 29. All in favor of that motion will answer aye; all opposed no. The secretary will call the roll.
Roll call showed 29 ayes and 13 nays.
Mr. Chairman: The section will be stricken out. The next is Section 30.
Mr. Baker: I move to strike out that section.
Mr. Webb: I second the motion.
Mr. Feeney: That is taken from the Constitution of Oklahoma, it is constitutional law, and I see no reason for striking it out. I believe it is a valuable proposition.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Maricopa, seconded by the gentleman from Graham, to strike out all of section 30. Those in favor of the motion will say aye; those opposed nay, as their names are called.
Roll call showed 30 ayes and 13 nays.
Mr. Chairman: The motion is carried and section 30 is stricken out. Any objections to section 31?
Mr. Baker: I move to strike out all of section 31 as it is useless and worthless because the United States provides for that in exact terms.
Mr. Webb: I second the motion.
Mr. Osborn: Mr. Chairman, if we strike out Section 31 I think that we might as well strike out the whole thing.
Mr. Jones of Maricopa: I would like to know what an "ex-post facto" law is so I can vote.
Mr. Chairman: The question is on the motion of Mr. Baker to strike out Section 31. Those in favor of the motion will answer aye; those opposed no. The nays have it and the motion is lost. Section 31 is adopted. Are there any objections or corrections to Section 32?
Mr. Baker: Mr. Chairman, I move to strike out all of section 32. I never in all my life found it necessary to carry a six shooter and I have passed through nearly all the scenes and experiences of this wild and unsettled country. Carrying arms is dangerous. It is a very dangerous thing to oneself and to one's associates and should not be permitted under any circumstamces. I have seen lives lost and innocent blood spilled just through the carrying of arms,- concealed weapons, under one's coat or shirt. It is a most dangerous and vile, a practice that should never be permitted except in times of war and never in time of peace. Think of it: carrying a six shooter or a knife or some other terrible arm of defense, and then in a moment of heated passion using that weapon. I do not believe in it, and I move to strike out that section.
Mr. Webb: I second the motion for I agree with the gentleman from Maricopa that it is a pernicious thing and should not be included in this bill. I, too, in all my experiences have never seen the time when it was necessary to carry concealed weapons except in times of Indian troubles, and I have had amany and varied experiences, in cow camps. I have been in many places where some might

deem it necessary to come armed but I did not, nor do I believe it necessary to do so now. We are no longer a frontier country, and if we did not need arms in the early days of pioneering in this country we do not now, and I second the motion.

Mr. Crutchfield: I move to amend by inserting after the word "impaired" in line 9, page 7, the following words: "But the legislature shall have the right to regulate the wearing of weapons to prevent crime."

Mr. Baker: That is all right and I second that motion.

Mr. Parsons: Mr. Chairman, I move to amend by striking out all of Section 32 and substituting the following in lieu thereof: "The people shall have the right to bear arms for their safety and defense, but the legislature shall regulate the exercise of this right by law."

Mr. Feeney: I second that motion.

Mr. Chairman: The question comes up on the amendment offered by the gentleman from Cochise, Mr. Parsons, to strike out section 32, and insert in lieu thereof his amendment. Those in favor of the motion answer aye; opposed nay. The motion is lost. The question now comes up on the amendment offered by Mr. Crutchfield to insert after the word "impaired" in line 9, page 7, the following words: "But the legislature shall have the right to regulate the wearing of weapons to prevent crime." Those in favor of the amendment say aye; those opposed nay. The secretary will call the roll.

Roll call showed 22 ayes and 23 nays.

Mr. Chairman: The motion is lost, and Section 32 will stand approved as read unless there are other amendments. Are there any objections to Section 33? If not we will take up the next section. Any objections to Section 34?

Mr. Webb: I move to strike out Section 34.

Mr. Jones of Maricopa: I second that motion.

Mr. Cassidy: This is in all constitutions and I think it should be in Arizona's.

Mr. Chairman: All those in favor of the amendment of the gentleman of Graham will answer aye; those opposed nay. The chair is in doubt. Those in favor of the amendment will rise; those opposed will rise.

Rising vote showed 12 in favor and 23 against.

Mr. Chairman: The motion is lost. If there are no objections to Section 35 we will pass to Section 36. If there are no objections to Section 36 we will pass to Section 37.

Mr. Cunningham: Mr. Chairman, I move to strike it out as it is absolutely the situation anyway without stating it.

Mr. Curtis: I second the motion.

The motion failed to pass.

Mr. Chairman: If there are no objections we will pass to Section 38.

Mr. Sims: I ask consent to revert to Section 21.

Mr. Chairman: If there are no objections we will revert to Section 21.

Mr. Sims: Mr. Chairman, I move that in line 5 where it says "for murder or treason" be stricken out, and put in capital crimes." We may have capital crimes between murder and treason.

Mr. Bradner: I second the motion.

Mr. Chairman: You have heard the motion to strike out the words "murder or treason" in line 5, and insert the words "capital crimes". Are you ready for the question? All in favor say aye; opposed nay. The motion is lost.

Mr. Connelly: Is there not some other capital crime besides murder and treason?

Mr. Ingraham: The crime of rape in many cases is made capital, and I cannot see any reason why this should not be included in this same list.

Mr. Feeney: Mr. Chairman, I will make a motion and somebody can make a motion to reconsider. I would like to refer back to Section 16, page 4, line 4, to strike out three words "other than municipal."

Mr. Osborn: I second the motion.

Mr. Chairman: Is your motion to reconsider section 16?

Mr. Baker: I would like to understand where this matter is.

Mr. Chairman: Just a moment, I wish to hear the motion.

Mr, Feeney: I made a motion to refer back to Section 16, line 2. I want to amend by striking out the words "other than municipal."

Mr. Baker: Section 21 is an important section.

Mr. Chairman: If there are no objections we will refer back to section 16. You have heard the motion to strike out the words "other than municipal."

Mr. Connelly: Mr. Chairman, that has been voted on once.

Mr. Cunniff: Mr. Chairman, I understand the motion of the gentleman from Cochise, Mr. Feeney, is a motion to reconsider. I would like to ask if he voted aye to strike out.

Mr. Feeney: I voted aye to strike out, sure.

Mr. Jones of Yavapai: I move the committee do now arise and report to the convention and recommend the adoption of Proposition No. 94 as amended.

Mr. Cunniff: I second the motion.

Mr. Baker: Will the gentleman from Yavapai yield. I am interested in Section 21. If it has been amended properly I have no objection. It says: "All persons charged with crime shall be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great." That is a foolish expression. It is absolutely wrong. It ought to be amended, "all persons charged with crime shall be bailable except for capital offenses, when the proof is evident and the presumption great."

Mr. Chairman: You have heard the motion that when the committee arises it report to the convention and recommend that Proposition No. 94 be adopted as amended.

Mr. Osborn: Mr. Chairman, I would like to amend the motion of the gentleman from Yavapai that when the committee arise that they recommend that they have examined Proposition No. 94 and that it be indefinitely postponed.

Mr. Standage: I second the motion.

Mr. Chairman: You have heard the motion of the gentleman from Maricopa, all in favor of that motion will say aye; contrary no. The motion is lost. The question is now on the motion of the gentleman from Yavapai, Mr. Jones. Are you ready for the question? All those in favor will say aye; contrary minded no.

Mr. Baker: I would like to vote no for this same reason. I warn the convention right here, now, that you are doing a crime yourselves without knowing what you are doing under section 21, and that is the reason I vote no.

Mr. Chairman: The ayes have it, and it is so ordered.

Mr. Connelly: Mr. Chairman, I want to be put on record as voting no.

Mr. Chairman: I heard no demand for roll call.

Mr. Webb: The senior member from Maricopa demanded the right to go on record against it.

Mr. Cunniff: I understand the committee has arisen. Mr. President, I would suggest to the gentleman from Cochise, that he can vote no.

The President resumed the chair.

Mr. President; The committee come to order.

Mr. Connelly: Mr. President, can I go on the journal as voting no on this proposition?

Mr. President: It still can be amended. A motion to refer can be in order if you want it. The gentleman from Gila,, Mr. Weinberger.

Mr. Weinberger: Mr. President, Your committee of the whole begs leave to report that it has examined Substitute Proposition No. 94 and respectfully recommends that it be adopted as amended.

Mr. Cunniff: Mr. President, I move that the report of the committee be adopted.

Mr. Weinberger: I second the motion.

Mr. President: Those in favor will answer aye; opposed no. The motion is carried. Shall it be engrossed and have a third reading? Roll call on this, or your motion to reconsider will be in order if you are not satisfied with Section 21. Those in favor, shall it be engrossed and have a third reading,----

Mr. Baker: I want to vote against this proposition of engrossing.

Mr. Kingan: Mr President, I think that was passed. This bill of rights originally handed to the committee read "capital offenses" and I was going upon that presumption when I voted for this measure a while ago.

Mr. Baker: You will find it in every constitution so far as I know.

Mr. Kingan: It should be"capital offenses."

Mr. President: The question comes up, shall the bill be engrossed and have a third reading?

Mr. Feeney: I move we suspend the rules. I think the majority of the members in this convention realize the argument here. I ask unanimous consent to suspend the rules and make an amendment.

Mr. Crutchfield: I voted to sustain the section as it is and for the satisfaction of the gentleman I move a reconsideration of section 21.

Mr. Osborn: Can any member of this convention tell me what earthly good a bill of rights is anyway.

Mr. President: The question comes up, shall it be engrossed and have a third reading?

Mr. Sims; of Cochise: Mr. President, I wish to move an amendment in line 5, page 5, after the words "except in capital offenses" strike out "for murder and treason."

Mr. Feeney: I second the motion.

The motion prevailed.

Mr. President: Shall it be engrossed and have a third reading? Those in favor will answer aye as their names are called and those opposed will answer no.

The secretary will callthe roll.

Roll call showed 35 ayes and 9 nays.

Mr. President: The proposition is passed. It comes up for engrossment.

Mr. Cunniff: I move the convention adjourn until the usual hour tomorrow morning.

Mr. Langdon: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a. m. November 26, 1910.

JOURNAL, November 26, 1910. 9:30 a. m.

Mr. President: The convention will come to order and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will please rise for prayer.
Prayer by the chaplain.
Minutes read and approved.
Mr. President: Committee of the whole.
Mr. Webb: Mr. President, before this convention goes into the committee of the whole, I desire to move that the vote by which Proposition No. 60 was indefinitely postponed be reconsidered.
Mr. Sims: I second that motion.
Mr. President: The secretary will call the roll. Those in favor of the motion will answer aye; those opposed nay.
Roll call showed 24 ayes and 16 nays.
Mr. President: The motion is carried.
Mr. Webb: I move that Proposition No. 60 be placed on third reading.
Mr. Ingraham: I move that it be taken up Monday morning.
Mr. Webb: I second that motion.
Mr. President: If there are no objections it will come up Monday morning.
Mr. Short: I am opposed to the making of this a special order when there have been other matters just as important discriminated against.
Mr. Winsor: This should come up in regular order and not be granted a special order for there are other measures to be considered both this afternoon and Monday which are just as important.
Mr. Cunniff: I would like to say that I am sorry that this matter should come up again as I thought we had settled that dangerous bill. I do not see any reason why Arizona should open wide her doors to all sorts of quack doctrines and especially to contain isome of it in her constitution.
Mr. Lynch: I would renew my motion to strike out the words "other methods of healing". Those are the only words that are obnoxious. Without these words, the bill is all right and permits all institutions and recognized methods, but with it the bill is dangerous.
Mr. Cunniff: I second that motion.
Mr. President: The question comes up on the amendment. Those in favor of the amendment will answer aye; those opposed nay. The motion is lost.
Mr. President: The question now comes up on the motion for a third reading.
Mr. Coker: I would like to ask the chair if my motion for postponement to this afternoon was out of order?
Mr. President: No. Those who wish this proposition postponed until this afternoon will say aye; those opposed nay, when the roll is called.
Roll call showed 26 ayes and 20 nays.
Mr. President: The motion is carried and the proposition will be postponed until this afternoon.
Mr. President: If there are no objections the convention will now resolve itself into the committee of the whole and Judge Wells will take the chair. (applause)
Mr. Chairman: The committee will come to order and the secretary will read the calendar.
Secretary: (reading) Report of the committee on preamble on Proposition No. 116, recommending that it do not pass.
Mr. Cunniff: I move that when the committee arises it recommend that Proposition No. 116 be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.

Secretary: (reading) Report of the committee on preamble on Proposition No. 104, recommending that it do not pass.

Mr. Webb: Mr. Chairman, I move that when the committee arises that it recommend that Proposition No. 104 be indefinitely postponed.

Mr. Wills: I second that motion.

The motion prevailed.

Secretary: (reading) Report of committee on preamble on Proposition No. 98, recommending that it do not pass.

Mr. Crutchfield: Mr. Chairman, I move that when the committee arises it recommend the indefinite postponement of Proposition No. 98.

Mr. Cunniff: I second that motion.

The motion prevailed.

Mr. Webb: Mr. Chairman, I see that Proposition No. 66 is next on the calendar and I move that the committee recommend the postponement of Propositions No. 66 and 78 as there are many farmers and others who are interested in these propositions and would like to hear the discussion on them. There are also several members, who are not here, who are also very much interested.

Mr. Ingraham: I second that motion.

The motion prevailed.

Mr. Webb: Mr. Chairman, I move that Propositions No. 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

Mr. Coker: I second that motion.

The motion prevailed.

Secretary: (reading) Report of committee on schedule on Proposition No. 54, recommending that it do pass.

Mr. Cunniff: I move that the rules be suspended and that Proposition No. 76 be taken up.

Mr. Chairman: If there are no objections Proposition No. 76 will be taken up. Are there any objections to section 1?

Mr. Cunniff: Mr. Chairman, I move you that section 1 be stricken out.

Mr. Bradner: I second that motion.

The motion prevailed.

Mr. Chairman: Any objections to section 2?

Mr. Sims: I move we strike out all of section 2.

Mr. Wills: I second the motion.

Mr. Bradner: I move to amend that after the word "created" the word "and" be inserted and insert after the word "duty" the words "salary and compensation."

Mr. Cunniff: I second that motion.

Mr. Ellinwood: I move a further amendment as follows: "That the duties and compensation be prescribed by law."

Mr. Hunt: I do not know what the duties of this office are. Does it mean a gas engine inspector?

Mr. Feeney: A gas engine does not have a boiler. I would say that it is one of the greatest cries of thousands of laboring men that they have the protection of a boiler inspector. The locomotive firemen and the men who work in shops where boilers are in operation are very much in favor of the office of boiler inspector.

Mr. Webb: I do not think that this office is a necessity; in fact I agree with others who have stated that it is not needed and as to the protection I believe there are other means of protection such as insurance. I think that there are companies who do insure machinery and that is what should be done in this case.

Mr. Crutchfield: I am in favor of creating this office as there are about 75 percent of the people in Arizona who are working around such machinery. I believe that they should in all cases be protected, and the only way to be protected is to have an inspector who understands well his business and will attend to those duties. Thus he may avert many an accident or explosion by knowing when and where repairing is needed.

Mr. Curtis: I trust that this section will not pass as it is purely legislative and too, I shall state as did Mr. Webb, that there are insurance companies, which insure machinery, and this insurance is compulsory, thus protecting the laboring men for the shop owners and companies have to inspect their machinery.

Mr. Ellinwood: I am in favor of this measure and I think that it should by all means pass. I think that all mining and railroad companies will favor it because it will save them the expense of an inspector for if such an office is created it will be paid for by the state. (laughter and applause.)

Mr. Chairman: The question is on the amendment by Mr. Brader which includes the amendment of Mr. Ellinwood. Are you ready for the question? Those in favor of the motion will say aye; those opposed nay. The nays have it.

Mr. Webb: The original motion was to strike out the whole section.

Mr. Chairman: The question comes up on the original motion to strike out section2. Those in favor of the motion will answer aye; those opposed nay. The ayes have it. Any objections to section 3?

Mr. Cunniff: Mr. Chairman, I move that when the committee arises, that it recommend indefinite postponement of the whole proposition.

Mr. Webb: I second that motion.

The motion prevailed.

Mr. Chairman: The next proposition is No. 54.

Secretary: (reading) Minority and majority reports of committee on schedule.

Mr. Chairman: What will you do with the report?

Mr. Cunniff: I move that we proceed to consider the majority report section by section.

Mr. Winsor: I second that motion.

The motion prevailed.

Mr. Colter: There is a mistake as my name should be on the minority report and I ask to have it stricken from the other report.

Mr. Chairman: Gentlemen of the convention we will now proceed with Substitute Proposition No. 54.

Mr. Connelly: I move to amend in line 3 by striking out the words: "Three-fifths" and inserting the word "majority."

Mr. Kingan: I move to amend section 1 of the report of the committee by substituting therefor section 1 of the report of the minority.

Mr. Cunniff: The motion of the gentleman from Cochise was the original motion and I move an amendment that we strike out the section of Substitue Proposition No.. 54 and insert section 1 of Proposition No. 14.

Mr. Webb: I second that motion.

(Speech by Mr. Cunniff omitted and sent to him)

Mr. Colter: Mr. Chairman, I want to say that this proposition is a copy of the constitution of Oklahoma. In reply to Mr. Cunniff in regard to Section 3, that it was not set out in any other part of the constitution, I want to say that it is very clearly set out in that part where the initiative and referendum is taken care of in detail, and there is only a blank space left for the per cent. In regard to the per cent, 60 percent I find is a much easier way of amending the constitution than 85 percent of the rest of our constitution. I see some of them are

75 percent and a great many of them are 66-2/3 percent, and not only two-thirds of one house, but it has got to go through both houses at two different sessions. It seems to me this is a very easy way of amendment. We have been over this proposition carefully and slowly, and I think it will answer the purpose very well.
Mr. Winsor: Mr. Chairman, I agree with the gentleman from Yavapai, Mr. Cunniff, that in his Proposition No. 14, he has provided a very much more comprehensive system of amendment to the constitution than is provided for in the majority or the minority reports. I would ask him if in submitting this substitute proposition he would be willing to leave the percentum blank in order that we may determine in the manner in which the percentages were determined in our initiative and referendum bill.
Mr. Cunniff: That is perfectly satisfactory to me.
Mr. Winsor: I second the motion.
Mr. Chairman: The motion is upon the amendment of the gentleman from Cochise as amended, which was to strike out the words three-fifths on the third line of Section 1 of the majority report, amended by the gentleman from Pima to insert Section 1 of the minority report for section 1 of the majority report that is before the committee.
Mr. Cunniff: Amended by the gentleman from Yavapai to substitute Proposition No. 14 for Section 1 of the majority report; that "20" be left out in the places where it appears.
Mr. Chairman: Those in favor will answer aye as their names are called; those opposed will answer no.
Roll call showed 35 ayes and 11 nays.
Mr. Chairman: The amendment is adopted.
Mr. Connelly: I move that in line 4 on page 1 and in line 2 the blank space-- in the blank space the word "ten" be inserted.
Mr. Ingraham: I move that the blank space be filled up by the word "fifteen."
Mr. Cunniff: I move that the blank space be filled up by the word "twenty".
Mr. Sims: I second the motion.
Mr. Colter: I move that the blank space be filled with the word "eighteen."
Mr. Winsor: Mr. Chairman, I move that the consideration of all of these blanks be postponed until Monday morning.
Mr. Weinberger: I second the motion.
The motion failed to pass.
Mr. Chairman: The motion now comes up on the filling of the blanks, taking the lowest number. All in favor of filling this blank with the word "ten" signify by saying aye; when their names are called; opposed will answer no.
Roll call showed 13 ayes and 34 nays.
Mr. Chairman: The motion is lost. All in favor of inserting the word "fifteen" in the blank signify by saying aye as their names are called; contrary minded no.
Roll Call showed 24 ayes and 23 nays. (applause)
Mr. Chairman: The motion is carried.
Mr. Kingan: Mr. Chairman, I move to amend Proposition No. 54 by substituting therefor the entire minority report.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Pusch: I second the motion.
Mr. Short: Will the gentleman from Cochise yield to a question?
Mr. Parsons: Certainly.
Mr. Short: Can you tell us any method whereby the legisla-

ture can change the constitution?

Mr. Parsons: If you put this in "not less than," if the legislature has anything to do with making any provision that might affect this law,--the initiative of our constitution,- they might increase that percentage and still claim they were within the provisions of the constitution because they were not less than 20 per cent.

Mr. Cunniff: I agree withthe gentleman from Cochise.

Mr. Short: Then I would suggest to the gentleman from Cochise that he change this to conform to the wording in another proposition we have and change the words "less than" to "more." That was the word used in the other proposition.

Mr. Parsons: If it will have the same effect I do not care.

Mr. Ellinwood: If you say "not more" the same legislature could reduce the amount to 7 percent or 1 percent.

Mr. Weinberger: Mr. Chairman, I can offer a suggestion that it be changed to this: "signed by fifteen percent but not more." That will fix that figure permanently.

Mr. Parsons: Mr. Chairman, I would say to the gentleman you might run against the same objection that you find in our present primary law. You get 15 percent and happen to have two votes over and it might be held to be an improper initiative petition.

Mr. Weinberger: Then I would say the words could be used "signed by a number equal to fifteen percent, but no more."

Mr. Franklin: Mr. Chairman, as I understand the language offered by the gentleman from Gila, Mr. Weinberger, is the language used in the Oregon constitution for initiative and referendum matters. It is signed by 20 percent but no more.

Mr. Feeney: Mr. Chairman, in getting up an initiative petition there are always a great many names stricken out, and I am afraid if we say "not more" it might be construed to have the absolute number, and I believe Mr, Parsons' amendment fits the case nicely.

Mr. Chairman: Any further remarks? The question then presents itself upon the amendment offered by the gentleman from Pima, Mr. Kingan, the original amendment to insert in place of the substitute for Proposition No. 54 the whole of the minority report, which was amended by the gentleman from Cochise, Mr. Parsons to amend line 4, after the word "by", by striking out the words "less than" and inserting "a number equal to" in place of "not less than."

Mr. Winsor: Inasmuch as the amendment proposed by the gentleman from Cochise, Mr. Parsons, is not at all germane to the original motion, I would suggest that he withdraw his motion until we have first disposed of the motion of the gentleman from Pima. Would that be agreeable?

Mr. Parsons; I did not know it was not germane, but I will withdraw it.

Mr. Chairman: The question is upon the amendment of the gentleman from Pima, Mr. Kingan, to adopt the whole of the minority report for that of the majority report. I believe that is the question.

Mr. Kingan: In place of Proposition No. 54 as amended.

Mr. Chairman: All in favor answer aye; contrary no. The motion is lost. Now it comes up on the amendment of the gentleman from Cochise, Mr. Parsons, by striking out on the fourth line after the word "by" the words "not less than" and inserting "a number equal to" in lieu thereof. All in favor will answer aye; contrary no. The ayes have it.

Mr. Cunniff: I move at the end of line 5 and the beginning of line 6 the words "The highest office" be stricken out, and the word "governor" be inserted.
Mr. Keegan: I second that motion.
The motion prevailed.
Mr. Winsor: Mr. Chairman, I move to amend lines 8 and 9 by striking out the last three words on line 8 and the first word on line 9, "by any member thereof." I cannot conceive that an amendment can be introduced in thelegislature by any other than a member.
Mr. Lynch: I second the motion.
The motion prevailed.
Mr. Winsor: I want to offer another amendment on Page 2, line 15, after the word "that" to insert the words "until a method of publicity shall be otherwise provided by law."
Mr. Cunniff: I second the motion.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Chairman: You have heard the motion. All in favor will make it known by saying aye; contrary no. The ayes have it.
Mr. Parsons: In line 2 on the second page I offer the same amendment I offered with reference to line 4 on page 1. After the word "by" strike out the words "not less than" and substitute in lieu thereof the words " a number equal to."
Mr. Short: I second the motion.
The motion prevailed.
Mr. Short: I would like to move an amendment on Page 2, lines 3 and 4, changing that to conform with the change on the preceding page, striking out the words "highest office voted for," and substitute in lieu thereof the word "governor."
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Winsor: I want to offer an amendment to line 9 on page 11, strike out the words "agree to" and insert "approved." Also in line 13 make the same change.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Chairman: What will you do with Section 2?
Mr. Ellinwood: In the minority report they left out the proviso for a convention at least once in twenty years. I move that such an amendment as this is absolutely a Jeffersonian doctrine, laid down by Thomas Jefferson.
Mr. Cunniff: In answer to the gentleman, it will be perfectly simple for the people twenty years from now to call a convention without any provision by us.
Mr. Chairman: Any objections to section 3?
Mr. Winsor: I move you that Section 3 be stricken out.
Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Winsor: I move that when the committee arises it recommend that Substitute No. 54 as amended do pass.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Cunniff: I move that the committee now arise and report progress.
Mr. Sims: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Wells: "Mr. President, the committee of the whole to whom was referred the following propositions begs leave to report that they have disposed of them as follows: That Nos. 116, 104 and 98 be indefinitely postponed. That

Nos. 66, 137, 78, 28, Memorial No. 1, Proposition Nos. 13, 16 and 139 to be considered at the same time and taken up this afternoon; that No. 34 do pass as amended; that No. 14 as included in Proposition No. 54 do pass as amended; that No. 76 be indefinitely postponed.
Mr. President: You have heard the report of the committee of the whole. All in favor of its adoption will answer aye; opposed no. The ayes have it. The question will come up on the indefinite postponement of Nos. 116, 104, 98 and 76. All in favor answer aye; opposed no. The ayes have it and it is so ordered. That Substitute No. 54 including Proposition No. 14 do pass as amended. Those in favor answer aye; opposed no. The ayes have it. That Proposition Nos. 66, 137, 78, 28, 13, 16 and 29 and Memorial No. 1, be postponed until this afternoon. All in favor answer aye; opposed no. The ayes have it and it is so ordered. Shall No. 54 be engrossed and have a third reading. All in favor answer aye; opposed no. The ayes have it and it is so ordered.
Mr. Cooper: I move we stand at recess until 1:30 p. m.
Mr. Webb: I second the motion.
The motion prevailed.
Convention stood at recess until 1:30 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. Gentlemen of the convention if there is no objection the convention will resolve itself into the committee of the whole, with the gentleman from Cochise, Mr. Tovrea, in the chair.
Mr. Chairman: The committee will come to order. The first thing on the program this afternoon is committee Substitute No. 66. Read the report.
Secretary: (reading) Mr. President, your committee on agriculture, irrigation and water rights begs leave to report it has examined Proposition No. 66, and respectfully recommends that the proposition herewith submitted be substituted for said Proposition No. 66, and that said Substitute No. 66 be adopted.
Mr. Orme: Mr. Chairman, I move you that we adopt this proposition paragraph by paragraph.
Mr. Winsor: This is the procedure under the rules. We do not need a motion.
Mr. Chairman: Any objection to the first paragraph?
Mr. Feeney: Will someone tell me what is meant by the "common law doctrine of riparian rights."
Mr. Orme: That water had rather flow down the stream and not be appropriated and used from the stream.
Mr. Short: My understanding of a riparian right is the right which accrues to land adjoining the water. A man has no right to water than adjoins or flows through his land, and in this first paragraph the words "having never heretofore obtained within the territory included with the State" seems to me superfluous. I move that all after the word "rights" in line 1 to and including the word "state" be stricken out.
Mr. Cunningham: I second the motion.
Mr. Cunniff: According to my recollection this is the form used in other states covering this ground. It is a statement of policy and information to the people, and I think it ought to remain in.
Mr. Crutchfield: Also it strengthens it by stating unquestionably that this has never been used in this state, and I think it ought to stay.

Mr. Parsons: Then there is the same reason for putting in a lengthy argument about this. I move the argument of the gentleman from Maricopa be added to it. I do not see any reason why we should put this clause in the constitution. It is purely argumentative.
Mr. Franklin: As I remember, the language is indentically that used by Chief Justice Kent in settling this matter as a judicial question, and therefore I think it is proper to leave in the phraseology.
Mr. Parsons: I desire to say the language of the court in rendering his decision and his reasons would be very different from what we want in the constitution. He may give the reasons to satisfy counsel for the plaintiff and counsel for the defendant. We are not in that position; we are simply a proposition; we are stating that is the fact. I think the argument should be omitted.
Mr. Jones of Maricopa: The objection to me is that it would make it read by inference that heretofore riparian rights had prevailed, and that we were changing the system. If we strike out anything, I would favor striking out "hereafter."
Mr. Parsons: I move an amendment to strike out the word "hereafter" in addition to the other.
Mr. Short: I accept the amendment. That will make it read "the common law doctrine of riparian rights shall not obtain or be of any force and effect in this state."
Mr. Feeney: I second that motion.
Mr. Chairman: The question before the House is to amend the first paragraph. All in favor will make it known by saying aye; opposed no. The motion is carried. Gentlement, are there any other amendments to that paragraph? If not, it will stand approved as amended. What will you do with the next paragraph?
Mr. Cunniff: I move an amendment to insert in line 9 between the words "mining" and "manufacturing" the words "milling, ore reduction."
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Chairman: Any amendments to the third paragraph?
Mr. Coker: Mr. Chairman, in line 10, 2nd paragraph, I move that all from the beginning of that line down to and including the word "purposes" in line 16 be stricken out, and this be inserted in lieu thereof:

"Priority of appropriation shall always give the better right, but when the waters of any natural stream are not sufficient for the service of all appropriators thereof, having equal priorities, desiring to use the same, those using the water for strictly domestic purposes and stock raising shall have the preference over those claiming the same for other purposes, and those using the same for agricultural purposes shall have preference over those using the water for mining, milling, ore reduction and manufacturing and power purposes, but such preference shall obtain and be recognized only in times of extreme scarcity due to drought or other natural causes, and, except in such times of extreme scarcity, no appropriator of such water shall ever be deprived of his rights in the use of his proportionate part thereof by any other appropriator or any purpose without due compensation."

Mr. Colter: I second that motion.
Mr. Roberts: I hope this amendment will not pass. It seems if these men have appropriated this water, and under the constitution their appropriation is guaranteed them,

and they have acquired this prior right, I do not see anything right in saying that any other man in time of great need would have the right to deprive him. It seems to me it would be the cause of needless litigation. In Colorado when this came up, it was a peculiar question. Here is a man five miles from the stream who has no domestic water. Some man prior to his coming had gone to work and appropriated this water. He had a good home, and he had taken nothing from anyone. He would be guaranteed that right under the constitution, and he would naturally expect that the laws would still work. It seems to me this question is a dangerous one, and I hope it will be killed.

Mr. Coker: Paragraph 3 of the committee substitute raises that very proposition, and it was to overcome some of the dangerous features raised by paragraph 3 that I submitted this amendment. Now under paragraph 3 a man who has 160 acres of land is irrigating the same from any particular stream, and if you or any one should come along and build a large hospital or sanitarium or some building that would use a lot of water, then in time of scarcity we could take all the water that this man was using, and it is to overcome that very idea that I submitted this amendment.

Mr. Orme: In drawing this bill I went to the legal rights of the territory, the men who have passed upon all the cases of water rights in the territory, Judge Kent for one, and other judges. They drew these articles as you see them, according to every decision that has been rendered in this territory. We have never had any statutes covering the water appropriations in this territory, and it is those decisions that we wish to protect and forever bar such litigation as that with which we have been burdened for years and years. To break up the general judicial decisions concerning water rights would be one of the greatest injustices that could be perpetrated, and I am opposed to any amendment to that section.

Mr. Winsor: I would like the gentleman from Pinal, Mr. Coker, to explain the difference between his amendment and the paragraph as it now reads. I cannot tell the difference from a mere reading.

Mr. Coker: I will be willing to have some typewritten copies stricken off, for the use of the members. There is only a few words difference but those few words make a great difference in meaning.

Mr. Crutchfield: I would call the attention of the gentleman to an important feature that is included in the committee report and omitted in the amendment of Mr. Coker. You will find in line 13 that it says water for domestic purposes shall have priority over that for agricultural purposes, but qualifies that by saying "to the extent of their actual needs" which is necessary.

Mr. Roberts: I would like to aska question, whether or not the courts of Arizona have ever defined what "water for domestic purposes" is? They say in Colorado that domestic water includes only water you dip up, or allow your cattle to drink from the stream, or you could haul it away, but you cannot take it out in a ditch and use it 20 miles away.

Mr. Winsor: I move this amendment of Mr. Coker's be typewritten, and that the matter be temporarily passed while copies are being made for the use of the members.

Mr. Coker: I second the motion.

The motion prevailed.

Mr. Chairman: I move that on line 23 after the word "courts" the words "of Arizona" be inserted, and after the word "existing" the word "in Arizona" be inserted.

Mr. Weinberger: I would like to know what those existing rights are. I believe that ought to be set forth here if there are recognized rights. I do not know of any decision to that effect.

(Speech by Mr. Lynch omitted and sent to him)

Mr. Orme: May I ask the gentleman a question? Was there ever a case in court but what it was tested on the application of the water to the land?

Mr. Lynch: That is not at issue. I will discuss it when the time comes.

Mr. Cunniff: Mr. Chairman, I beg to point out the first part of the argument, the amendment did not say "throughout Arizona." It said "existing in Arizona."

Mr. Chairman: Are you ready for the question? The question is the motion of Mr. Cunniff, seconded by Mr. Wood, to insert on line 23 after the word "courts" the words "of Arizona", and after "existing" on this line "in Arizona." All those in favor of this motion will make it known by saying aye; opposed no. The motion is carried, gentlemen.

Mr. Coker: Mr. Chairman, in line 30 I move the word "particular" be stricken out.

Mr. Connelly: I second the motion.

Mr. Colter: Mr. Chairman, I very seriously object to having that word stricken out because, as I understand, most of the decisions of the courts of Arizona, California, Colorado, or any other irrigable region--their decisions have been on the application of the water to the land--to that particular spot of land, and I think it would be very dangerous for us to strike out that word. It is very material to this subject, and will cause a lot of lawsuits and confusion in the ownership of water. Water rights are conflicting enough the very best we can make them.

(Speech by Mr. Webb omitted and sent to him)
(Speech by Mr. Orme omitted and sent to him)
(Speech by Mr. Lynch omitted and sent to him)

Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Graham a question. Is it not true that when an appropriator of water is required to state that he owns land, he must describe that land by metes and bounds.

Mr. Lynch: Yes sir.

Mr. Parsons: If he gets a right to that particular land I want you to explain to me why that right should be applied to any other land.

Mr. Lynch: Let me answer that. I think you answered it yourself. Why should he not have a right to apply that water to another tract of land? Suppose for some reason the tract he first applied it to has become valueless, he should not be compelled to lose all of his rights. We say that when a man gives the amount of money and labor necessary to get that water upon land, that he has a right to that water, and if he has other land he should be allowed to divertthat water to the other tract of land.

Mr. Parsons: Now I want to ask the gentleman from Graham: Would it not be true, if your contention is to be adopted by this convention, that if you are holding appropriation No. 1 for 160 acres of land, I hold appropriation No. 2, and your 160 acres uses three-fourths of the entire water and it took all of that to apply to yours, now if your land should be washed away by a flood, then if you are allowed to take this same water right and put it somewhere else and put it on land that was not susceptible to an appropriation, would not I as the second appropriator be wronged by your being allowed to apply your water to land that was not in a position to claim an appropriation until after mine?

Mr. Lynch: I want to say that I am not taking anything away from you only your right to that water which was confined to the land described when you made the appropriation. If you happen to be so unfortunate as to have a piece of land washed away that is your misfortune and the legislature should not provide a law by which the balance of the people should be taxed to reimburse you.

Mr. Orme: In answer to Mr. Lynch, let me say he mixes the shares of stock in a canal with the water right. Water right is only obtained by applying that water to a particular piece of land. If the land should be washed away the man's water right is stopped but his appropriation on that other land should date from the date he applied the water upon that appropriation. The only appropriation of water is the direct application of water to the land.

Mr. Colter: Mr. Chairman, I would just like to make an illustration here of the way I understand that. I have in Apache county land that has the first water right. I have some land adjoining that also has a later water right. Some of the first water right land got so swampy that I could not use my water on that, and it was my desire to take that water and put it on my other land. I tried it and there were protests against it. I then found out that most all of the courts had decided that the water belonged to the land and therefore I did not put it on my other land.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Wood: Mr. Chairman, I ask what this language means? Does it mean that you cannot take it from the specific ground to which you first applied it?

Mr. Ellinwood: I think so.

Mr. Webb: The gentleman from Maricopa insists that it does not.

Mr. Orme: I said that a man could take his stock and apply that water that he had in the canal any place he saw fit, but he could not move this first appropriation of water from that land, but he could take his stock and incorporate a new right any place he saw fit.

Mr. Webb: What is his stock?

Mr. Orme: His share in the canal. If your land is washed away have you any appropriation for it? If your home is burned have you any house? In all judicial decisions, the only basis is the date of the appropriation of water to that land.

(Speech by Mr. Franklin omitted and sent to him)

Mr. Ellinwood: Does the gentleman understand this changes the law as to the future?

Mr. Franklin: I do not; it is merely settling the matter in accordance with the ultimate decisions, and not interferring with any existing rights.

Mr. Webb: I say with the gentleman from Maricopa it would be wise indeed for us to settle this matter, if we only knew what right is, but many of us are in doubt as to what is fair and right, and if we decide when we feel we are not certain, I say it is not wise.

Mr. Parsons: Mr. Chairman, there are thirteen lawyers in this convention, and I do not believe you could get any three of them to agree absolutely as to whether this does or does not change the law. Every gentleman to whom Mr. Ellinwood has put the question, says "no". Let us have the law as it is. Let the members of the supreme court, to whom we will pay $6,000 a year, settle it.

Mr. Franklin: Was not that dicta?

Mr. Kingan: That was the gist of the case, not dicta.

Mr. Standage: I think if the people had lived here and helped to pay the expense of all those lawsuits, they would be willing to have something specific and know what they are doing. Vested rights would not be changed, but persons taking up new lands would know their rights, and it would prevent a great many law suits. This proposition seems to me a good one.

Mr. Ingraham: I want to say again that those rules we lay down here apply only from this date, and the system of water rights that has grown up under the old law we cannot change, because they are property rights, and under the 14th amendment we cannot interfere with them.

Mr. Ellinwood: I would ask the gentleman the same question. Will we have a different condition if we adopt this?

Mr. Ingraham: There seems to be a debate on that very point, but I wish to say it cannot be so important what the rule is as it is that the rule should be defined and well determined in the future. That is, if persons go upon the headwaters of these rivers and take up water rights, they should know exactly what they are getting.

Mr. Wells: I would like to ask the gentleman a question. The act of Congress obtains now as it did in the past. The constitution we make here, would it be an infringement or in conflict with that? I am not informed.

Mr. Ingraham: I do not think the act of congress establishes this doctrine of water rights. This is established by the decisions and statutory law of the Territory of Arizona, and the system has grown up from many, many decisions in the courts and by customs of the people.

Mr. Wells: This would apply to state lands, to government lands?

Mr. Ingraham: It would apply to all lands, but only in the future.

Mr. Cooper: As I understand the discussion of the different gentlemen who have spoken on the question, this matter of priority rights and water appropriations are now clearly settled by decision of the supreme court of this Territory, Is that right? If these matters are clearly settled by the decision of the supreme court, that is the supreme law we have on the question. Why then might this not well be ~~/~~ in definitely postponed, and allow the clear settlement as it exists to rest upon the decisions of the supreme court of the territory. Then there can be no question as to priority right in the future or the past.

(Speech by Mr. Franklin omitted and sent to him)

(Speech by Mr. Cunningham omitted and sent to him)

Mr. Ellinwood: This matter is perfectly clear to my mind now. As to this bill changing the present law, I have no intention of going into that. The gentleman from Maricopa says it does not change the law, as they made the decisions. The gentleman from Graham says there is some doubt as to what these cases decided. Therefore to foreclose all questions as to what the courts have said upon this question it is proposed that this bill be enacted into the constitution which will be interpretative of the law as they read it.

Mr. Orme: The national irrigation act requires the appropriation of water to be determined before they deliver water to any land, and in the Hurley vs. Abbott suit a great many of these litigents refuse to come in, and the United States government came in and intervened, and compelled every man to come in and prove his appropriation. It had to be determined so when the water was low the United States government could divide the water and put it on those lands that were entitled to it. The reclamation act requires that.
Mr. Kingan: This question was absolutely settled in the case of Biggs----7th Arizona reports, decided in March, 1901, the opinion being written by Judge Sloan.
Mr. Franklin: Chief Justice Kent has been on the bench for nine or ten years, and has participated in nearly all the recent water decisions, and he is considered one of the ablest judges of water law in the southwest. He decided that the right to appropriate water belongs to the land owners. Water when appropriated belongs to the land to which it is beneficially applied, which is clearly shown by his decision in the Hurley vs. Abbott case.
Mr. Parsons: I want to call attention to the fact that Judge Kent's decision applies to an appropriation to the land. The decision cited by the gentleman from Pima was a case of a certificate in some water--carrying company or some canal company. That, I contended, accounts for the difference and the supreme court will not be mixed up, because they have written these opinions. I therefore insist upon the motion to indefinitely postpone this whole matter.
Mr. Cunniff: I should like to say one word. I had an interesting conversation the other day with Judge Kent, in which he stated that it would be a wise action on the part of the convention, in view of the fact that the reported cases left the matter of water rights in Arizona in excellent situation, not to touch this matter; and it seems to me after this long discussion that he was quite right. It seems the best thing to do is to put in a line validating and confirming the present laws and customs concerning water rights.
Mr. Chairman: The question before the house is to indefinitely postpone Substitute No. 66. All in favor will make it known by saying aye; contrary no. Call the roll.
Mr. Wells: I would like to give an explanation of my vote. I understood from Mr. Orme that the government in carrying out its system of water storage from these dams requires us to settle in some way so they can regulate its distribution. If that is correct, my vote is no.
Roll call showed 28 ayes and 17 nays.
Mr. Orme: I move to substitute these words: "All existing rights to the use of water in this state for beneficial purposes are hereby recognized and confirmed." I ask for unanimous consent.
Mr. Ellinwood: It seems to me very much better for the committee on water rights to bring in a new proposition. This third paragraph, it seems to me, ought to go in.
Mr. Cunniff: I move we instruct the committee on agriculture and water rights to bring in a proposition validating all existing rights to the use of water.
Mr. Colter: I second the motion.
The motion prevailed.
Mr. Chairman: The next question before the committee is Proposition No. 78.
Mr. Secretary: (reading) "Your committee on state and school

lands begs leave to report it has examined Proposition No. 78, and respectfully recommends that the proposition herewith submitted be substituted for Proposition No. 78, and that the substitute proposition be adopted."

Mr. Cunningham: Mr. Chairman, I will suggest to the gentlemen of the convention that in the reading of this substitute if you will compare it with Section 28 of the Enabling Act, you will see from whence it comes.
Mr. Chairman: What is your pleasure with Section 1? If there are no objections it will be passed. If there are no objections Section 2 will be passed. Any objections to Section 3?
Mr. Short: Mr. Chairman, I would like to ask the chairman of this committee if there is not a word left out in line 13, page 3?
Mr. Parsons: That is the language of the enabling act.
Mr. Chairman: If there are no objections it will be passed. Any objections to Section 4? Any to Section 5? Any to Section 6? Any to Section 7?
Mr. Cunningham: There has been a misprint on line 23, "trust" bearing should be "interest" bearing, as will appear from the enabling act.
Mr. Chairman: If there is no objection, the secretary will be instructed to change that from "turst" to "interest."
Mr. Goldwater: I would like to know if these sections are considered adopted as they are passed? If so, I would ask you to turn back to Section 5. On line 24 it seems to me there has evidently been a misprint.
Mr. Winsor: I move that the situation be relieved by striking out the word "to" in line 2, page 4, and insert the word "shall."
Mr. Goldwater: I second the motion.
The motion prevailed.
Mr. Chairman: If there are no objections, Section 8 will be adopted. What will you do with Section 9?
Mr. Ellinwood: I move to strike out all the Section beginning after the word "aforesaid" in line 20.
Mr. Cunningham: I second the motion.
(Speech by Mr. Webb omitted and sent to him)
Mr. Ellinwood: I accept the amendment.
(Speech by Mr. Jones of Yavapai omitted and sent to him)
(Speech by Mr. Kingan omitted and sent to him)
(Speech by Mr. Orme omitted and sent to him)
Mr. Cunniff: Mr. Chairman, does not the reclamation act say that nothing shall take away any of the water rights from any of that leased land?
Mr. Orme: No sir.
Mr. Cunniff: That is my reading of the reclamation act.
Mr. Orme: Those and those only who are owners of the land.
Mr. Cunniff: I would like to call the attention of the gentleman from Maricopa to Section 8 of the reclamation act.
(Speech by Mr. Orme omitted and sent to him)
(Speech by Mr. Webb omitted and sent to him)
Mr. Jones of Yavapai: Mr. Chairman, the gentleman from Graham seems to think we are afraid to leave things to the people, but we are not. To put this clause in the constitution leaves it that the legislature shall refer their actions to the people. I think the matter should be referred to the people.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Winsor: Mr. Chairman, I want to digress from the line of discussion long enough to get a little light. It has been stated, I believe, by the gentleman from Yavapai, Mr.

Jones, that according to his reading of the enabling act, only the interest from the fund produced from the lease of land can be used for the objects mentioned in the enabling act. I would like to know where the gentleman gets that idea, except with reference to public school lands.

(Speech by Mr. Parsons omitted and sent to him)

Mr. Webb: Mr. Chairman, I just want to call attention to one thing and that is that the school system of Colorado and the method followed by the people of the constitutional convention of Colorado in handling their school lands has been pointed to with pride. I am glad to learn that their act is almost identically the same as the amendment proposed here.

Mr. Wood: Mr. Chairman, in answer to Mr. Webb, that we want to leave this thing to the people, that is just what we are doing when we put this into the constitution that they can never sell the land.

Mr. Chairman: Are you ready for the question, gentlemen?

Mr. Cunniff: I move as an amendment to substitute the proposition I sent in, in place of the amendment that was offered.

Mr. Chairman: All in favor of adopting this amendment will make it known by saying aye; those opposed no. The nays have it, we will not take up the motion of Mr. Webb.

Mr. Franklin: Mr. Chairman, I move you that the committee do now arise and report progress and ask leave to sit again.

Mr. Cassidy: I second the motion.

The motion failed to pass.

Mr. Chairman: All in favor of the amendment offered by Mr. Webb, signify by saying aye; contrary no. The secretary will call the roll.

Roll call showed 33 ayes and 12 nays.

Mr. Winsor: Mr. Chairman, I move an amendment to section 10 as follows, line 1 on page 6, after the word "lease", insert the words "or sale" and after the word "land" in the same line, strike out the words "for terms not longer than five years," and insert the following: Under the supervision of a commission to be created for that purpose."

Mr. Bolan: I second the motion,

Mr. Crutchfield: Mr. Chairman, before I vote there is one question in my mind I should like to have answered and that is will that provide for the proper chosing of public land that has been donated by the United States to the State of Arizona?

Mr. Winsor: We won't cover that question at all. That should have been provided for in an act already. This particular provision has no bearing on that subject.

Mr. Coker: The enabling act provides for the selection.

Mr. Chairman: You have heard the question on the amendment of Section 10, gentlemen.

Mr. Lynch: Mr. Chairman, it seems to me that that is supurfluous. We provide that the legislature shall provide proper laws for the lease and sale of all state lands.

Mr. Orme: The enabling act provides for appraisement.

Mr. Lynch: What is our commission for?

Mr. Winsor: The commission is simply to provide officers in authority to perform this duty under the rules and regulations of law.

Mr. Lynch: If the legislature is to provide the way in which it is to be sold, why should we say, they must provide a commission.

Mr. Roberts: Mr. Chairman, Mr. Webb has absolutely convinced me that he is right and I believe in letting the legislature take up these duties.

Mr. Parsons: Mr. Chairman, I move as an amendment to the amendment offered by the gentleman from Yuma, strike out the words "for terms not longer than five years."

Mr. Winsor: Inasmuch as I do not care for this office myself, I have no objection to the amendment at all.

Mr. Osborn: I second Mr. Parsons' motion.

Mr. Coker: The balance of that paragraph is only a repetition of what was left remaining of paragraph nine. It might as well all be stricken out.

Mr. Webb: Mr. Chairman, there was left after the change was made in paragraph nine the following: "may be sold in the state in the manner and on the conditions and with the limitations prescribed by the enabling act, etc."

Mr. Chairman: The question is on the amendment of Mr. Parsons to strike out on page 6, the words on the first line "for terms not longer than five years."

Mr. Winsor: Mr. Chairman, upon first thought and after listening to the gentleman from Graham, and the gentleman from Cochise, it did not appear to me to make any difference whether that was left in or not, but I believe it would be much better to provide for that commission and I withdraw my acceptance of the amendment proposed by the gentleman from Cochise. I believe that that is the proper method by which it should be handled. It is necessary that some officer have the power to carry out instructions of the legislature.

Mr. Chairman: You have heard the motion. All in favor of Mr. Parsons' amendment signify by saying aye; opposed no. The amendment is lost. We will now take up the original motion of Mr. Winsor, which reads on the first line of page 6, "leased or sold of all state lands under the supervision of a commission to be created for that purpose, and shall further provide, etc." All in favor of this amendment will say aye; opposed no. Call the roll.

Roll call showed 23 ayes and 22 nays.

Mr. Chairman: The motion of Mr. Webb is carried. Any other amendments?

Mr. Coker: Mr. Chairman, I move to strike out all that portion after the word "be created for that purpose" beginning with the word "and shall further provide."

Mr. Jones of Yavapai: I second the motion.

The motion failed to pass.

Mr. Ellinwood: I move a reconsideration of the motion made by Mr. Winsor. I voted no. This is a question of fair play.

Mr. Colter: I second the motion.

Mr. Chairman: All in favor of the reconsideration of the amendment of Mr. Winsor will make it known by rising. All opposed will rise. The vote will be reconsidered.

Mr. Webb: The question now is on the Winsor amendment. Call the roll.

Mr. Chairman: All in favor of adopting the Winsor amendment will make it known by saying aye; opposed no.

Roll call showed 19 ayes and 24 nays.

Mr. Chairman: The motion is lost.

Mr. Webb: Mr. Chairman, I desire to move that Section 10 in its entirety be stricken out.

Mr. Coker: I second the motion.

Mr. Ingraham: I made a motion just preceding the reconsideration, and left a copy on the Secretary's desk. My amendment has priority.

Mr. Short: I seconded the amendment.

Mr. Webb: It certainly would have been put had it been entertained.

Mr. Chairman: Read the amendment, Mr. Secretary.

Secretary: (reading) Amendment offered by Mr. Ingraham, to be added at end of the section: "Provided that the right and title to mineral deposits underlying any state lands shall forever be retained in the state, and that at least 7 percent of all mineral deposits hereafter taken from such land must be paid to the state by any lessee thereof.

Mr. Ingraham: It is somewhat similar to Proposition No. 28.

Mr. Cunniff: That proposition won't do. That is all right in Minnesota, where you can diamond drill for iron deposits. It might do in coal beds. It might do in isolated cases of copper deposits, but not in lode mining in Arizona with its uncertainties. It would never fit Arizona conditions. Seven percent would absolutely wipe out any profit. It dies not fit Arizona mining conditions.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Crutchfield: In answer to the argument of Mr. Cunniff, I wish to say if the argument is made in good faith, he should not oppose the amendment, but amend the amendment by reducing the figure, if 7 percent is counted too high. As the gentleman can well see, this is an amendment that has for its purposes the conserving of the resources for the school funds, and this might prove a boon to the school fund at a time it was very much needed.

Mr. Cunningham: I would like to call the gentleman's attention to Section 24, line 6, of the enabling act in this connection.

Mr. Roberts: I move that we include farming produce, alfalfa and beets.

Mr. Chairman: All in favor of adopting Mr. Ingraham's motion will answer aye; opposed no. Call the roll.

Roll call showed 16 ayes and 26 nays.

Mr. Chairman: Gentlemen, the motion is lost.

Mr. Webb: I want to withdraw my motion to strike out all of Section 10. I yield the floor to the gentleman from Yuma, and hope his amendment will prevail.

(Speech by Mr. Winsor omitted and sent to him.

Mr. Cassidy: I second the motion.

The motion prevailed.

Mr. Ingraham: It seems to me this discriminates in favor of the resident and against the man who holds the land but does not reside thereon. It ought to read "lessee."

Mr. Winsor: I followed the wording used in Section 10 that we have just been considering.

Mr. Ellinwood: Is Section 10 up for amendment? On line 4 I move to strike out the word "equitable." It ought to be a legal right, if anything.

The motion prevailed.

Mr. Ellinwood: I move to strike out the words "a reasonable price for said equitable" and insert the following "by the lessor the value of said improvements and" in lieu thereof.

Mr. Colter: I second the motion.

Mr. Webb: I would like to ask the gentleman who would pay for the improvement in case of sale?

Mr. Orme: I think that is provided for in Section 9.

Mr. Jones of Yavapai: I move Proposition No. 78 be indefinitely postponed.

Mr. Connelly: I second the motion. I do not see anything in it except what was in the enabling act.

The motion failed to pass.

Mr. Chairman: We will now vote on the amendment of Mr.

Ellinwood: All in favor of this amendment will make it known by saying aye; contrary no. The ayes have it.
Mr. Ellinwood: I desire to offer an amendment in section 11, line 10, to insert the words "purchase or" so as to make it read "shall be allowed to purchase or lease."
Mr. Franklin: I second the motion.
Mr. Ingraham: In regard to that amendment, I think it very bad for the interests of the state of Arizona. It restricts the market for school land very much. I do not see why if the Santa Fe or Southern Pacific or a big land company wants to come in and pay high for this land the State of Arizona should not take advantage of it, and it seems to me that if we are to carry out the spirit of the enabling Act, which is to the effect that we shall put this on the market to the highest bidder, we should not go ahead and fix unreasonable conditions. I move to strike out the entire section.
Mr. Webb: I second the motion.
Mr. Ellinwood: In answer to the gentleman from Yuma, Mr. Ingraham, the entire discussion centered around the point that the big corporations were going to gobble up this land. That was the opposition. The territory of Arizona ought to conduct its affairs so as to benefit the bona fide settlers, and 160 acres of irrigable land is enough, and if a man wants more he can buy from another.
Mr. Chairman: All in favor of Mr. Ellinwood's amendment will make it known by saying aye; contrary no. The ayes have it.
Mr. Winsor: I move to amend Section 10, page 6, by inserting after the word "lease" the word "or sell."
Mr. Ellinwood: It seems to me the purpose is accomplished by inserting on line 25, the words, "sale, or".
Mr. Winsor: I will change the form of the amendment as follows: Insert before the words "lease" the words "sell, or" and strike out the words "for terms not longer than five years."
Mr. Orme: That complies with the enabling act and with the present statutes of Arizona. Every five years these lands are re-leased at a higher appraisement and it should be for not longer than five years so they can be re-appriased.
Mr. Ellinwood: I move an amendment that the words "sale, or" be added to the last words on line 25.
Mr. Crutchfield: I second the motion.
Mr. Winsor: I accept the amendment.
The motion prevailed.
Mr. Webb: I move the committee do now arise and report they have examined Substitute Proposition No. 78, as amended, and recommend that as amended it do pass.
Mr. Coker: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Tovrea: "Mr. President: Your committee of the whole begs leave to report it has examined Substitute No. 78, and respectfully recommends that it be adopted as amended; and that it has examined Propositions Nos. Substitute 66 and 127, and respectfully recommends that they be indefinitely postponed."
Mr. President: Gentlemen, you have heard the report of the committee of the whole. All in favor of adopting it answer aye; opposed no. The ayes have it. The committee recommends that Propositions Nos. Substitute 66 and 127 be indefinitely postponed. These in favor answer aye; opposed no. The ayes have it, and it is so ordered. The committee recommends that Substitute Proposition No. 78 be adopted

as amended. Those in favor will answer aye; opposed no. The ayes have it. Shall it be engrossed and have a third reading? All in favor answer aye; opposed no. Call the roll.
Roll call showed 28 ayes and 8 nays.
Mr. President: The motion prevails.
Mr. Tuthill: I move that we adjourn to 9:30 o'clock Monday morning.
Mr. Parsons: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 o'clock, November 28, 1910.

JOURNAL, November 28, 1910. 9:30 a. m.

Mr. President: The convention will come to order and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for prayer.
Prayer by the chaplain.
Mr. President: (reading) Resolution No. 17, introduced by Mr. Cooper of Pima County:

WHEREAS, This Convention, by its acts, has created numerous offices and has fixed the salaries and emoluments therefor, and, WHEREAS: It is neither ethical nor right that those who have participated in this work should receive the benefit and advantages thereof; therefore,

BE IT RESOLVED: That no member of this convention shall be eligible for election to any office, either state, county precinct or municipal, created by this constitution, for a period of five years from and after the admission of Arizona as a state. (Laughter and applause).

Mr. President: If there are no objections it will be referred to the committee on Militia and public defense.
Reports of the committees.
Secretary: (reading) Report of committee on finance,

"Phoenix, Arizona, November 28th, 1910.

Mr. President: Your committee on finance, accounts and expenses begs leave to submit the following report for the week ending November 26th, 1910.

Pay roll of Members- - - - - - - - - -	$1470.00
Pay roll of Attaches - - - - - - - - - -	1166.00
Printing and delivery of ten Substitute Propositions (54 pages at $2.00)-	108.00
Stationery and sundries, estimated at-	100.00
Total for week ending Nov. 26, 1910---	$2844.00

Respectfully submitted,
H. R. Wood, Chairman.
Lamar Cobb.

Mr. Cunniff: Mr. President, I should like to make a report for the committee on style, revision and compilation so far as we have gone. We have worked all the time including holidays and Sundays, with the exception of the time that we are in session, and you all know the time that we have spent in session. However, we are prepared to report on the following: Substitute Proposition No. 4 on the initiative and referendum, the proposition on Distribution of Powers and the Proposition On Ordinance. These reports I shall now turn in to be considered in their regular order of business.

Mr. President: Introduction of Propositions.

Secretary: (reading) Substitute Proposition No. 66, introduced by the committee on irrigation and water rights.

Mr. President: Substitute Proposition No. 66 will come up in the committee of the whole tomorrow.

Mr. President: The convention will now resolve itself into the committee of the whole and the gentleman from Navajo, Mr. Scott, will take the chair.

Mr. Chairman: The committee of the whole will come to order.

Secretary: (reading) Proposition No. 28.

Mr. Coker: Propositions No. 28, 115, 16, 13, 129 were disposed of. They relate to water rights and school lands. I move they be indefinitely postponed since the report of the committee will be substituted therefor.

Mr. Weinberger: I second the motion.

Mr. Crutchfield: I should like to have consideration of No. 28 so that we can amend the 2 percent clause for mineral lands. I am opposed to the postponement of this proposition.

Mr. Winsor: There is a committee report on all of the propositions in one report. These should be taken up one by one.

Mr. Chairman: The reports will be taken up one by one. What will you do with Proposition No. 28?

Mr. Cunningham: I move you that when the committee arises it report that it recommend the indefinite postponement of Proposition No. 28.

Mr. Lynch: I second that motion.

The motion prevailed.

Mr. Webb: I move that when the committee arises that it recommend that proposition No. 13 be adopted.

Mr. Cunningham: I second that motion.

Mr. Coker: I amend the motion by saying that when the committee arises that it recommend indefinite postponement of Proposition No. 13.

Mr. Cunniff: I second that motion.

The motion prevailed.

Mr. Chairman: No. 13 is indefinitely postponed.

Mr. Parsons: Mr. Chairman, I move that when the committee arises that it recommend that indefinite postponement of Proposition No. 16.

Mr. Webb: I second the motion.

The motion prevailed.

Mr. Webb: Mr. Chairman, I move that when the committee arises that it adopt the report of the committee recommending postponement of Proposition No. 129.

Mr. Parsons: I second that motion.

The motion prevailed.

Mr. Jones of Yavapai: Mr. Chairman, I move that when the committee arises that it recommend that Memorial No. 1 be indefinitely postponed.

Mr. Sims of Cochise: I second that motion.

Mr. Webb: Mr. Chairman, this is a matter that should not be postponed as it is a provision that will protect the interest of the poor. Many good citizens have taken up school lands and have cultivated, improved and built homes thereon and are good honest industrious people, and they should be protected in these homes and on this land, therefore, I recommend the adoption of the Memorial.

Mr. Colter: I second that motion.

Mr. Jones of Yavapai: Mr. Chairman, we have already made provision for the protection of these people in section nine of Proposition No. 78, which has already been adopted, and this is entirely covered in that measure, which it is unnecessary to adopt the Memorial.

Mr. Baker: I am in hopes the motion of the gentleman from Graham county will prevail, for I think it should pass. For the benefit of many people, who are of the best class of citizens and who have established themselves upon this land and spent much labor and means to cultivate and improve it, they should have protection. I think that this is very timely, and it does not hurt anything at all and may accomplish good. In the enabling act there are provisions for these school lands, but they are not acceptable to all and do not protect the people who have spent their time, means and best efforts upon them. It is but right that they should have this protection.

Mr. Short: I agree with the gentleman from Yavapai that this has been amply provided for in the anabling act and that this memorial would have no effect upon Congress.

Mr. Ellinwood: I understand that this provision was not included in the original enabling act, but the attention of both the senate and house of representative was called to this fact and Mr. Orme went to Congress to secure an amendment and he was told that it would jeopardize the passage of the statehood bill if they amended it so, but that there was no objection to the amendment and would be none if it were taken up by the convention as we have it here presented. Ithink it would be well to adopt the memorial. I think that relief should be provided for by such a measure and this is the best method to take to secure that relief, therefore, I hope the measure will be adopted.

Mr. Franklin: It is very true that a bill was passed the other day something of the same nature of this memorial, but I do not think that it is sufficient and I think too that the only way to secure the right protection to the people who occupy these lands is through just such a measure, I believe that it was the sense of Congress that such a measure would be presented in a form of this kind and we may not fear anything but approval from Congress should this measure be adopted.

Mr. Cunniff: My objection to the memorial is not so much to what it contains as it is to the language of the measure. The language is not of that nature or dignity that a dignified body like this should send to such a dignified body as Congress. Neither do I think that our delegate should be expected to take up such a matter. I think that this was hastily drawn up, and it is so arranged that Congress will take cognizance of it only to disapprove of it. Therefore, I hope that the measure will not be adopted.

Mr. Orme: I do not think there is any need to fear the acceptance of the memorial as it is here presented for I was assured that it would be considered as one of the measures that would be inserted in our constitution. It would have been placed in the original bill only through an error. The matter was to be taken up a certain time, but Senator Reed Smoot had a matter that was given precedence by mistake and it was only an oversight on the part of Congress. We need not fear to include this in our constitution.

Mr. Webb: I did not draw it up myself, but it was drawn up and presented to some of the very best and most learned men of this convention, who approved of the phraseology.

They returned it without a single correction, and I cannot see why it should be rejected by the gentleman from Yavapai on that point.

Mr. Cunniff: I do not believe that it is within the bounds of propriety to request our delegate or Congress to do these things. We have no such right, have we, to make such a request?

Mr. Baker: As I stated before, this measure is very timely andcan do no harm.

Mr. Chairman: Those in favor of adopting the Memorial No. 1 will say aye; those opposed nay. Call the roll.

Roll call showed 41 ayes and 7 nays.

Mr. Chairman: The motion is carried and Memorial No. 1 is adopted. The next business before the committee is proposition No. 60. What is your pleasure?

Mr. Cunniff: I move that Proposition No. 60 be indefinitely postponed.

Mr. Webb: I move to amend that motion by moving that when the committee arises it recommend that Proposition No. 60 be adopted.

Mr. Sims of Graham: I second that motion.

Mr. Chairman: Those in favor of adopting Substitute Proposition No. 60 will answer aye; those opposed nay. Call the roll.

Roll call showed 30 ayes and 18 nays.

Mr. Chairman: The motion is carried and the proposition is adopted.

Mr. Chairman: We will now consider Substitute Proposition No. 58 section by section. Any objection to the first section?

Mr. Goldwater: I move you after the word "all" in line 1, the words "all public services" be inserted.

Mr. Colter: I second that motion.

Mr. Baker: I move that Section 1 be stricken out, as I do not see any necessity for this at all. Now, it seems to me that this absolutely puts all the books and files of a corporation absolutely under the supervision and control of this corporation commission, and hence makes Section 1 absolutely unnecessary.

Mr. Short: Will the gentleman permit a question? I would like to ask if you have the amendment in your proposition that was adopted: After the word "any" insert "public service" in section 5, line 7. That would change the matter very materially.

Mr. Baker: There is something in that; I did not have that amendment. I will withdraw my motion to amend.

(Speech by Mr. Ingraham omitted, and sent to him)

Mr. Wells: I would like to ask what penalty is imposed, if, for instance, I should refuse to allow an examination of a corporation in which I was interested?

Mr. Goldwater: The penalty is found in No. 113.

Mr. Wells: Then if there is a penalty I can see no necessity for applying it to all corporations. If it is applied to public service corporations, it is proper enough.

Mr. Ingraham: Will the gentleman yield to a question? Do you not think that the investigatory powers of the state should extend to insurance and building and loan companies?

Mr. Wells: It should to insurance companies, but not to small mining companies in the hills, struggling for existence, or an industrial corporation struggling for existence. If this office is in the hands of hostile individuals, they can put that corporation out of business.

Mr. Winsor: It seems to me that the gentleman from Yavapai, Mr. Wells, and some others, have confused this proposition with No. 113, which creates a corporation commission and defines the powers thereof. Substitute No. 15 has absolutely nothing to do with that. It simply gives the state inquisitorial powers but does not confer any powers on the corporation commission or any other. It seems to me this is absolutely necessary, and will be found in almost, if not quite all, the constitutions of the various states.

Mr. Jones of Yavapai: It does not seem like this proposition would hurt anybody. It looks to me like any corporation that the truth would hurt ought not to exist in Arizona, or any private individual's business that the truth would hurt ought not to exist. Therefore, I hope this amendment will not carry.

(Speech by Mr. Short omitted and sent to him)

Mr. Ellinwood: Mr. Ingraham says that an examination such as the Armstrong investigation could not have been had but for a paragraph of this kind in the constitution. There is no such paragraph in the New York constitution. This appears only in one state, in Oklahoma. I find that in Stimson on Corporations, the clause is exactly like this paragraph: "The records, books and files of all corporations shall be at all times liable and subject to the full visitorial and inquisitorial powers of the state, notwithstanding the immunities and privileges in the bill of rights of this constitution secured to the persons, inhabitants and citizens of this state." Turning to the Oklahoma constitution we find a provision that appears in no other state constitution.

(Speech by Mr. Curtis omitted)

(Speech by Mr. Lynch omitted)

Mr. Ellinwood: What the gentleman from Graham has said, as undoubtedly everybody knows, is true. Whenever there is an offense charged and a complaint filed or an indictment issued every scrap of paper that is owned by the corporation can be brought into court. Onseveral occasions I have the gentleman from Yavapai, Judge Wells, in court and his cashier with the books and records and papers in court when someone was charged with a false check or something of that kind.

(Speech by Mr. Ingraham omitted)

Mr. Chairman: The question is upon the amendment to insert the words "public service" after the word "all" in line 1, section 1.

Mr. Lynch: Just one word more. I want to read the Wyoming provision, and ask you if it is the same thing: "All corporations doing business in this State may as to "such business be regulated, limited or restricted by law not in conflict with the constitution of the United States." Another gentleman quoted the constitution of the new State of New Mexico. It absolutely covers public service corporations and nothing else.

(Speech by Mr. Goldwater omitted.)

Mr. Ingraham: They are not!

(Speech by Mr. Goldwater omitted)

(Speech by Mr. Short omitted)

Mr. Baker: I desire to hear one good reason before the vote. Here is a grocery corporation; three men incorporated under a corporate name. Their books, files and papers are subject to public control and inquisitorial and visitorial investigation by the State. A private individual just across the street has a like and similar grocery store, does precisely the same business and sells to the same persons, and his books and private papers are not subject to inquisitorial or visitorial investigation. Why should that be so?

Mr. Short: Why should the three gentlemen incorporate? Why not go into business individually, and be liable for the business of the firm?

Mr. Lynch: I think the gentleman has struck the key-note. It will drive out all private corporations in the new state.

(Speech by Mr. Jones of Maricopa omitted)

Mr. Roberts: We are using the words "public service corporations" I take it that that means railroads, street car companies, water companies and that like. I would hardly suppose that banks, insurance companies, loan and trust companies would be in that class, and therefore I desire to make an amendment that after the words "public service corporations" the words "state banks, building and loan associations, trust, insurance and guarantee companies" be inserted.

Mr. Goldwater: I will accept the amendment.

Mr. Ellinwood: I move an amendment we strike out all of Section 1.

Mr. Webb: I second the motion.

Mr. Chairman: Are you ready for the question? All in favor of striking out Section 1 will signify by saying aye as their names are called; contrary no.

Roll call showed 20 ayes and 28 nays.

Mr. Chairman: The motion is lost. Now the vote will be on Mr. Roberts' amendment, the original motion. All in favor of this will signify by saying aye as their names are called; contrary no. Call the roll.

Roll call showed 37 ayes and 12 nays.

Mr. Chairman: The motion is carried; the amendment is adopted. If there are no further objections the section will be adopted.

Mr. Winsor: Inasmuch as we are in the striking out business, I move that section 2 of Proposition No. 58, as it is word for word the same as Section 8 of Substitute Proposition No. 22, which has already been adopted, be stricken out.

Mr. Webb: I second the motion.

The motion prevailed.

Mr. Chairman: Any objections to Section 3?

Mr. Goldwater: On line 18 I think the word "any" ought to be "an". I move to strike out the letter "y".

Mr. Chairman: If there is no objection that will be stricken out.

Mr. Baker: I would like to inquire if that was taken from any state constitution, and if so, what?

Mr. Ingraham: Almost word for word from the constitution of Virginia.

Mr. Ellinwood: On line 19 I move to strike out "five dollars" and insert "twenty five dollars."

Mr. Cooper: I second the motion.

Mr. Ellinwood: A corporation that cannot pay a registration fee of that size ought to go out of business.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Ellinwood: I would be delighted to be surprised.

Mr. Cunniff: It may seem right to have an additional tax placed on the large corporations, but most of the corporations in the territory are small corporations to which every dollar counts. These corporations have just recently been examined by the United States Government and a tax laid upon their income. As far as mining is concerned, there is a bullion tax at the present time in the territory, and I shall strenuously oppose any increase. This might be well left to the legislature or the people through the initiative or referendum.

(Speech by Mr. Parsons omitted and sent to him)

Mr. Chairman: All in favor will answer aye; contrary no. Call the roll.

Roll call showed 13 ayes and 20 nays.

Mr. Chairman: The motion is lost.

Mr. Ellinwood: Mr. Chairman, by Section 1 of this proposition you have adopted a provision by which the books, records and files of all public service corporations, including state banks, building and loan associations, insurance companies andguaranty companies, shall be liable to the full inquisitorial powers of the state. Section 3 refers to all corporations: "Provision shall be made by law for payment of a fee to the state by every domestic corporation, etc." So I take it the provision refers to all corporations. I therefore move to strike out in line 22 after the word "property" the following words, "and for making by every such corporation at the time of payment such annual registration fee a report to the state corporation commissioner of the status, business or condition of such corporation as the legislature may prescribe."

Mr. Cassidy: I second the motion.

Mr. Cunniff: Mr. Chairman, those are two widely separated propositions.

Mr. Ellinwood: Mr. Chairman, it goes right back to the proposition of the gentleman from Maricopa, Judge Baker, wherein he cited that a corporation organized for carrying on a grocery business by three men, under this inquisitorial power, would be subject to the inquisitorial powers of the state. This provision requires just such a corporation to thus make a report, stating their business and the condition of their business. If their business is in bad condition the first paragraph permits the state to ascertain for itself. If they have no control over the small corporations this report can serve no purpose whatever except to expose the business condition of a competitor, who is not a private corporation.

Mr. Cunniff: Mr. Chairman, I think that the gentleman from Cochise has had sufficient experience and knowledge of the kind of reports that corporations furnish when requested or compelled to do so by laws of this kind to know that those corporations do not make reports of such a nature as to give the information that would be secured by an inquisitorial commission. And I further point out for the information of the gentleman from Cochise, that the last part of that sentence requires such reports in regard to the status, business and conditions of such corporations as the legislature may require,- but we might amend that by saying "as may be required by law."

Mr.Ellinwood: Mr. Chairman, I would like to ask the gentleman a question, If it does not mean anything it is absolutely useless,

Mr. Cunniff: I did not say that it meant nothing.

Mr. Ellinwood: The words used here--they must file a report of the status of the business and of the condition of such corporation. Now, if they do that faithfully they tell their business condition. If they are relying upon a statement, which did not tell anything, it subserves no purpose, whatever.

Mr. Cunniff: Mr. Chairman, that phrase does not say they shall make a report to the state corporation commission of the status and business condition of such corporation. It says that they shall make such report as the legislature may rescribe.

Mr. Ingraham: Mr. Chairman, the provision is taken almost verbatim from the state of Virginia's constitution adopted in 1902, and I notice in going over these matters concerning public service corporations and corporations in general that the Statenof Virginia, which has always been noted for her eminent lawyers, has worked this proposition out more carefully than any other state in the Union, perhaps, and that is the reason we have taken this clause from the State of Virginia's constitution. It has been pointed out that the corporation will not be subjectto anything except what the legislature prescribed. There is nothing provided in the constitution. It is merely putting a power here that the legislature may use in due time. It seems to me that if a company is almost about to fail the community has a right to know.

Mr. Chairman: All in favor of this motion will signify by saying aye; contrary no. The nays have it. All in favor of this motion will answer aye as their names are called, opposed no. Call the roll.

Roll call showed 17 ayes and 31 nays.

Mr. Chairman: The motion is lost.

Mr. Cunniff: I move to amend on page 3, line 2: Strike out the words "the legislature may prescribe" and insert the words, "may be prescribed by law."

Mr. Winsor: I second the motion.

The motion prevailed.

Mr. Weinberger: Mr. Chairman, I wish to offer another amendment. On page 3, in line 7 after the word "fee" insert the following words, "or from the making of such reports by," and in line 8 after the word "charitable" insert the words "social, fraternal and benevolent."

Mr. Jones of Maricopa: I second the motion.

The motion prevailed.

Mr. Chairman: Any other amendment to Section 3?

Mr. Ellinwood: Mr. Chairman, in line 2 on page 3, after the words "as may be prescribed by law" add the following, "and the legislative power may prescribe a penalty for the failure to file such a report." I move to insert that clause.

Mr. Mogran: I second the motion.

Mr. Ingraham: I think Mr. Chairman, the legislature would have the power to enforce that provision without our saying so in so many words.

Mr. Parsons: Mr. Chairman, I think there should be provision for a penalty and as there are two or three other acts required of corporations in the succeeding section, I think it would be better to put that after the last one.

Mr. Ellinwood: I withdraw my amendment with that understanding.

Mr. Short: Mr. Chairman, we have been trying all morning to do something that we were trying to evade heretofore; that is to put something in the constitution that has no place there. As an amendment I move you to strike out all of section 3 down to line 2 on page 3, beginning with the word "no" down to the word "state" in line 5. That is the only negative proposition there is in this. There will be nothing in the constitution which prevents the legislature doing all these things if we remain silent. There is a sentence which says, "no foreign corporation shall have permission to do business in this state." I submit that that is the only thing in this section that means anything.

Mr. Cobb: Mr. Chairman, I would like to make an announcement. I have today put on the desk of every member a

statement giving the names of the county and the population as was announced in the newspapers some time ago; the representation as was adopted by the convention, and in the third column the representation as I will propose when this comes up again, and in the last column the names of the committeemen from the various counties of the legislative committee that reported that apportionment bill. In Apache I have made a mistake. Apache should have one and one instead of one and two.
Mr. Webb: I move the committee arise and report.
The motion prevailed.
The President resumed the chair.
Mr. President: The gentleman from Navajo, Mr. Scott.
Mr. Scott: "Mr. President, your committee of the whole begs leave to report progress, and asks leave to sit again."
Mr. President: Those in favor of accepting the report of the committee of the whole will signify by saying aye; opposed no. The ayes have it.
Mr. Webb: Mr. President, I move the convention stand at recess until 1:30 p. m.
Mr. Sims: I second the motion.
The motion prevailed.
Convention stood at recess until 1:30 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. The convention will resolve itself into a committee of the whole to finish unfinished business, and the gentleman from Navajo, Mr. Scott, will take the chair.
Mr. Chairman: The committee of the whole will please come to order. Gentlemen, what is your pleasure in regard to section 3 of Proposition No. 58?
Mr. Ellinwood: I think there was a motion before the house to strike out all of section 3 down to the word "no" in line 2, page 3.
Mr. Cunniff: I move that the committee rise and report progress.
Mr. Jones of Yavapai: I second the motion.
Mr. Chairman: All those in favor of the motion say aye; contrary no. Call the roll.
Roll call showed 20 ayes and 17 nays.
Mr. Chairman: The motion is carried.
The President resumed the chair.
Mr. President: Gentlemen, we have our minutes. If there are no objections the secretary will read the minutes.
Minutes read and approved.
Mr. Short: Mr. President, the absent delegates have arrived. I move we now go into the committee of the whole.
Mr. President: If there are no objections the convention will go into committee of the whole, with Mr. Scott in the chair.
Mr. Chairman: The committee of the whole will come to order. The question before the committee is Mr. Short's amendment to section 3 of Proposition No. 58.
Mr. Jones of Maricopa: It did not have any second.
Mr. Cunningham: I second the motion.
Mr. Chairman: Are you ready for the question? All in favor of Mr. Short's amendment will signify by saying aye; opposed no. The nays have it. Section 3 is adopted. Any objections to Section 4?
Mr. Short: Mr. Chairman, that does not seem to be complete. I would move to insert the word "the" before the first word.
Mr. Ingraham: Mr. Chairman, I second the motion.
The motion prevailed.

Mr. Weinberger: After the last word in this section insert these words "as may be prescribed by law."
Mr. Cobb: I second the motion.
Mr. Weinberger: I think this commission should be regulated by law so that every corporation will have an equal chance.
Mr. Ingraham: Of course it is understood that this corporation commission, which in general had a great deal to do with corporations, the audit power that the auditor now has and that the secretary of state used to have, should look over the papers filed by the corporations to see if they comply with the law, and then issue the certificate which the law requires. With regard to foreign corporations, we have no such corporations now except a few life insurance corporations.
Mr. Chairman: Are you ready for the question? All in favor of Mr. Weinberger's amendment will signify by saying aye; opposed no. The ayes have it. What is your pleasure, gentlemen, as to section 6? If there are no objections it will stand approved as read.
Mr. Ingraham: Mr. Chairman, I see immediately a defect in it. It should read, "It shall be unlawful for any corporation doing business in this state to make contributions of money or anything of value, etc." I move that it be amended to that effect.
Mr. Cunniff: I second the motion.
Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Yuma a question. To what elections do you have reference? Elections within the corporation or state, county and municipal elections?
Mr. Ingraham: It must refer to public elections. Elections under the laws of the state.
Mr. Franklin: Mr. Chairman, it does not seem to me that the amendment of the gentleman from Yuma gets at the root of this question. I think we should further add, "it shall be unlawful for any corporation doing business in the state to make contributions of money or anything of value" and after the word "corporation" add "or any officer thereof." I make that motion.
Mr. Osborn: I second the motion.
Mr. Cunniff: Mr. Chairman, I do not like to see corporations governing elections, but I feel that a man who may be director of a mining company and may wish to contribute $2.60 to a campaign fund, should not be compelled to point to the constitution and say: "I cannot contribute this $2.60."
Mr. Tovrea: Mr. Chairman, I would hate to be deprived of the privilege of contributing to the campaign fund. I hope the measure will not pass.
Mr. Winsor: I would ask if the gentleman from Maricopa who proposes the amendment would not be willing to add the words "for such corporation" in order that an officer might not contribute for the corporation but could contribute individually.
Mr. Franklin: Mr. Chairman, As I understand the wording, it means that an officer contributing money would do it for the corporation.
Mr. Winsor: Why not say so in so many words?
Mr. Franklin: Of course, if you put it that way, Mr. Chairman, a man might contribute money really for the corporation and how could anybody say whether he did it for himself or for the corporation? It seems to me that this prohibits any member of a corporation from contributing money to a campaign fund. An officer of a corporation cannot shield himself.
Mr. Parsons: Mr. Chairman, as I understand now the object

of the gentleman from Maricopa is that he wants the corporation to be precluded from contributing, but is willing that individual members or officers of the corporation may be their own individual capacity contribute. Then I think the section is properly stated as it is, for the corporation can only contribute by some of its officers, and if a corporation is denied the right to contribute then I think we have said all we can say with reference to them. Any officer may have the right to contribute in his own capacity. It seems to me that all we can do is to get down the principle and leave the details to be worked out by the legislature.

Mr. Franklin: Mr. Chairman, recurring to the business of corporations, of course we all very well understand that it is one of the ordinary privileges of a corporation to contribute money to campaign expenses. The object here is to prevent an officer doing directly what the corporation could not do itself. It seems to me if it the policy of this convention to preclude corporations from contributing this money we ought to so phrase this that the officers of the corporation would not do indirectly what the corporation could not do directly.

(Speech by Mr. Parsons omitted and sent to him)

Mr. Franklin: I will read Section 5. "It shall be unlawful for any corporation etc." After the word corporation insert "of any officer thereof."

Mr. Chairman: You have heard the first amendment. All in favor will signify by saying aye; opposed no. All in favor of this amendment will please rise; oppesed will rise. The motion is lost. You have heard the second amendment, gentlemen, all in favor signify by saying aye; opposed no. The ayes have it. If there are no further amendments section 5 will be adopted.

Mr. Parsons: Mr. Chairman, I now offer an amendment to make Section 6 read as follows: "suitable penalty shall be provided by law for the violation of any of the provisions of this article.

Mr. Weinbeger: I second the motion.

The motion prevailed.

Mr. Weinberger: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition No. 58 be adopted as amended.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. Hunt: I move the committee do now arise.

Mr. Keegan: I second the motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to ordar and the gentleman from Navajo county, Mr. Scott, will report progress.

Mr. Scott: "Mr. President: Your committee of the whole begs leave to report after consideration of the following Propositions they be disposed of as follows: Propositions No. 28, 16, 129 be indefinitely postponed. Memorial No. 1 do pass; Substitute Proposition No. 60 do pass; Substitute Proposition No. 8 do pass as amended."

Mr. President: Those in favor of adopting the report of the committee of the whole say aye; those opposed nay. The motion is carried, and the report is adopted. The question comes up on Propositions No. 28, 16 and 129. All those in favor of indefinitely postponing these Propositions will answer aye; those opposed nay. The ayes have it and it is so ordered. The question now comes up on the adoption of the Memorial No. 1. Those in favor of adopting Memorial

No. 1 will say aye; those opposed nay. The ayes have it and it is adopted. Shall it be engrossed and have a third reading? Those in favor of engrossing and giving it a third reading say aye; those opposed nay. The motion is carried and the Memorial is so ordered. The question is now on the adoption of Substitute Proposition No. 78, as amended. Those in favor of so adopting it say aye; those opposed nay. The ayes have it and it is so ordered. Shall it be engrossed and have a third reading? All those in favor of engrossment and third reading of Substitute Proposition No. 78 say aye; the ayes have it and it is so ordered. Gentlemen, we have some propositions for third reading and the secretary will please read them.
Secretary: (reading) Proposition No. 137.
Mr. President: Third reading of the proposition. Those in favor of the final passage say aye; those opposed nay, when the roll is called.
Roll call showed 40 ayes and 7 nays.
Mr. President: The proposition is passed.
Secretary: (reading) Proposition No. 145.
Mr. President: Third reading of Proposition No. 145. Those in favor of the final passage say aye; those opposed nay.
Mr. Franklin: It seems to me that if this is carried we will have restrictions on two kinds of people, negroes and chinese. Why should you not have Indians and Japanese included? The proposition does not go far enough.
Mr. Weinberger: I think that this is a matter that can wellbe left out of the constitution.
Mr. Baker: I have never explained my vote before in this convention that I can remember, though there have been many who have done so. I believe in the restrictions of marriages to all races that are obnoxious, but I think that this bill is not sufficient to cover all those classes. I have a perfect abhorrence of an alliance between the negro and the Caucasian race and the same with the chinese, but I think that these restrictions should be placed upon all obnoxious marriage relations between undesirable races and never tolerated. Therefore, I vote no against this Proposition.
Roll call showed 13 ayes and 34 nays.
Mr. President: The proposition is lost.
Mr. Webb: I move indefinite postponement of the Proposition.
Mr. Orme: I second that motion.
The motion prevailed.
Mr. Cunniff: I move that the convention now refer to reports of standing committees and take up the reports made this morning.
Mr. President: If there are no objections we will take up the reports made this morning.
Secretary: (reading) Substitute Proposition No. 4, report of the committee on style, revision and compilation.
Mr. Winsor: I move the report of the committee be adopted.
Mr. Short: I second that motion.
The motion prevailed.
Mr. Winsor: I want to make an amendment. Beginning with the word "and" in line 10, page 6, strike out the balance of the paragraph.
Mr. Weinberger: I second the motion.
The motion prevailed.
Mr. Cassidy: I was requested by the committee on style, revision and compilation to offer the following amendment to Substitute Proposition No. 4, by inserting the end of line 11, page 11, the following words: "Until otherwise provided by general law, said cities and towns may prescribe

the basis on which said percentage shall be computed."
Mr. Parsons: I second the motion.
Mr. Cunniff; It was decided by the committee on style, revision and compilation that any oversight should be amended or filled in when the bill came before the convention, and it is probable that some member of the committee can furnish the amendment needed.
Mr. President: All those in favor of the amendment say aye; those opposed nay. The ayes have it, and it is so ordered.
Mr. Parsons: I desire to move that the committee on style, revision and compilation be authorized to insert in line 10, page 6, in the blank space the word or figure "fifteen."
Mr. Cunniff: I move to amend that the committee on style, revision and compilation be authorized to fill the blank with the figure "20."
Mr. Curtis: I second that motion.
Mr. Weinberger: It seems to me that that conflicts with the amendment already adopted.
Mr. Parsons: I think the gentleman is mistaken.
Mr. President: The question now comes up on the motion of the gentleman from Cochise, Mr. Parsons. All those in favor of the motion to fill in the blank with the word "fifteen" say aye; those opposed nay. Answer on roll call.
Roll call showed 27 ayes and 22 nays.
Mr. President: The motion prevails.
Mr. Winsor: I move that the blank be filled in on page 7, line 15, with the word "fifteen". In line 9 with the figure"eight."
Mr. Cassidy: I ask that this question be divided, and voted upon separately.
Mr. President: There are no objections we will divide the question. Those in favor of filling the blank on line 15, page 7, with the word "fifteen" say aye; those opposed nay. The motion is carried and it is so ordered.
Mr. Cassidy: I move to amend the motion to fill the blank on page 11, line 9, with the word "eight" and that the word "ten" be substituted.
Mr. Cobb: I second that motion.
Mr. President:All those in favor of the amendment offered by Mr. Cassidy to fill in the blank on line 9, page 11 with the word "ten" will rise; those opposed now rise. The motion is lost.
Mr. Baker: I move that the blank be filled in with "ten."
Mr. Webb: I second the motion.
Mr. President: All in favor will answer aye; contrary no. The ayes have it, and it is so ordered. Are there any other amendments to be offered? We will call the roll on the final passage of the bill as amended.
Mr. Cunniff: I desire to amend by inserting on line 13 after the words "referendum petition" the words "on state or county measure."
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. President: Any further amendments? If not, we will call the roll on final passage.
Mr. Wells: Mr. President: this is upon the final passage of the measure, I presume? After this, no further amendments can be made?
Mr. Winsor: The gentleman is mistaken. This will be subject to amendment until final passage of the measure.
(Speech by Mr. Wells omitted and sent to him)
Mr. Winsor: Will the gentleman yield to a question? In the event the supreme court of the United States should declare the initiative and referendum to be unconstitutional,

and the initiative and referendum were in the constitution of Arizona, would that affect any other portion of the constitution of Arizona?

Mr. Wells: That is not for us to say, It is entirely for the President of Congress to say. Let me read what they say in the words of the enabling act, and I think it will be a perfect answer to the gentleman's question. "and thereupon said convention is hereby authorized to form a constitution and provide for a state government for said proposed state all in the manner and under the conditions contained in this act." Now, gentlemen, you have said you must be careful with the irrevocable ordinances to conform with the spirit of Congress as shown in the conditions of this act, and furthermore in reference to the color line you must conform to the conditions of this enabling act, now must you not conform to any part of it that requires a republican form of government.

Mr. Cunniff: Will the gentleman from Yavapai yield to a question? Do you think the referendum is also not republican, as well as the initiative?

Mr. Wells: Yes, the initiative and referendum is not a republican form of government. It is in line with the decisions of the supreme court of Oregon, and that is the conclusion that is reached by the gentleman who are in favor of the initiative and referendum, in my judgment, and that is that it does not take away but it adds to. I do not care whether it adds to or not. For the people of the state who have said: "We delegate to a representative form of government the power to legislate." The referendum changes that power and takes it away.

Mr. Cunniff: Will the gentleman yield to another question? If congress accepts the New Mexico constitution, and the president accepts it, then the president and congress will be accepting a constitution that is not republican in form?

Mr. Wells: I say this, that if the initiative and referendum is adopted by the State of New Mexico, the referendum takes away the right of the people to make laws. It takes away the right of the governor to veto a law, and in that it is a change from the republican form of government.

Mr. Cunniff: Does the gentleman say that if Congress and the president accept the Now Mexico constitution as it now appears with the referendum, in it, on petition of the people of New Mexico, then Congress and the President will be accepting a constitution that is not republican in form?

Mr. Wells: I do not know whether the state of New Mexico has adopted such a referendum law or not.

Mr. Cunniff: Yes they have, I have a copy of it here.

Mr. Wells: I do not know the wording, but it is a cool proposition of taking away the legislative power of the legislature and the veto power of the governor. It is such a variation from the republican form of government that it will not be accepted.

Mr. Baker: I would like to ask, what does he do with the clause in the initiative and referendum law that declares that it shall never be construed as forbidding the legislature from passing any enactment.

(Speech by Mr. Wells omitted and sent to him)

Mr. Franklin: Will the gentleman yield? I have listened with a great deal of interest to your argument, and also that of the other gentlemen, on that side of the question, but it appears to me from the authorities and the political writers and the decisions that there is quite a distinction between a republican form of government and a representative government. I wish you would enlighten me on that distinction, as to representative government. If there is one, what is it?

(Speech by Mr. Wells omitted and sent to him)

(Speech by Mr. Cobb omitted and sent to him)

Mr. Webb: Mr. Chairman, I desire to say that I happen to be in a position to know that that speech was written three weeks ago.

Mr. Cobb: I will have to withdraw the confidence that I imposed in my friend.

(Speech by Mr. Parsons omitted and sent to him)

(Speech by Mr. Cooper omitted and sent to him)

Mr. Cunniff: Mr. President, neither I nor my associates from Yavapai feel like taking up any time in discussion. We covered months ago this matter that the other side of the chamber has been giving us this afternoon, and it is rather too late to be using any time in talk, when the convention has so much to do this week. The only reply that we of the majority, in accordance with our instructions, have to make, lies there on the secretary's table.

Mr. President: Call the roll

Mr. Winsor: Mr. President, with the gentleman from Pima, Mr. Cooper, I believe in catching our rabbit before we cook it, but I remember that in my youthful hunting experience, I have frequently caught such tough old Jackrabbits that I discarded them without cooking or eating them. I therefore vote aye.

Roll call showed 36 ayes and 6 nays.

Mr. Colter: Mr. President, the committee on miscellaneous is ready to report.

Mr. President: Bring in your report. Read the report.

Secretary: (reading) Report of committee on schedule, mode of amending and miscellaneous on Proposition No. 8, recommending that the proposition submitted be substituted therefor and that the substitute do pass.

Mr. Kingan: That is a long technical report, and I ask that it be printed.

Mr. President: If there are no objections it will be referred to the committee on printing and the usual number of copies printed.

Mr. Coker: I move we adjourn until 9:30 tomorrow morning.

Mr. Parsons: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a. m. November 29, 1910.

JOURNAL, November 29, 1910. 9:30 a. m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will please rise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: We will now have the reading of the minutes.

Minutes read and approved.

Mr. President: Gentlemen, we have one proposition to come before the committee of the whole, Proposition No. 66.

Mr. Orme: Mr. President, I wish you would wait until I can get the committee together.

Mr. President: If there are no objections we will wait for you and take up other business. We will have the third reading of Memorial No. 1.

Secretary: (reading) Memorial No. 1.

Mr. President: Mr. Webb: do you want a roll call upon this measure?
Mr. Webb: I do not care.
Mr. President: The question comes up on the adoption of Memorial No. 1. Those who are in favor of the adoption say aye; those opposed nay. The ayes have it and the Memorial No. 1 is adopted.
Secretary: (reading) Proposition No. 60.
Mr. President: Third reading of Proposition No. 60. Those in favor of adopting Proposition No. 60 will answer aye; those opposed nay, when the roll is called.
(Speech by Mr. Tuthill omitted and sent to him)
(Speech by Mr. Webb omitted and sent to him)
Mr. Morgan: That is right.
Mr. Webb: There is entirely a misapprehension of facts, for we are asking only equal rights and not special favors.
Mr. Wood: I amend by adding the following words: "Provided that no person shall be permitted to advertise his or her method of healing or ability to heal."
Mr. Colter: I would like to offer an amendment as follows: "Provided, however, that every practicioner have a good and thorough knowledge of physiology and anatomy."
Mr. Morgan: I second that motion.
Mr. Jones of Yavapai: I would like an explanation on the constitutionality of the bill.
Mr. Tuthill: In answer to the gentleman from Graham I will say that there is not a doctors' trust in Arizona and the examinations for practicing physicians are open to all, but this bill will open wide the doors to all and every kind of quackery and fake that might wish to come into this state and palm off their sparse wisdom upon the people at the risk and sacrifice of many lives. The medical doctors here have the interest of the people at heart and we only desire to protect the rights of the class that are worthy to practice. I have passed an examination here and could do so again if it were necessary, and I also passed an examination in California sometime ago and I am only asking that all doctors to be admitted to practice in just the same way. I ask that this matter be left out of the constitution for I consider it a dangerous measure.
Mr. Webb: I may have been somewhat hasty in stating that there is a doctors' trust in Arizona and if I was wrong I am willing to beg the pardon of the gentleman, but this I do know, that there is discrimination among the medical doctors in Arizona. On the board of examiners there are three members from the same college as Dr. Tuthill, and the other two are of the same profession. These men have discriminated against other learned people who do not practice the same method of healing, and to protect these people who are worthy of recognition we ask that the measure here proposed be adopted.
Mr. Morgan: All I want is to see that such men as Bernard McFadden be permitted to practice here for I think that if there is any man who is worthy of recognition it is he.
Mr. Tuthill: I have no objection to other learned people practicing in this territory, and I would say that as far as Mr. McFadden is concerned I think that he would find no barriers in the way at all were he to come here.
Mr. Moeur: I think that the words of the gentleman from Graham county are far fetched. We do not discriminate against any authorized doctors or methods of healing. Our interests are those of humanity and we are endeavoring to live up to our profession and what the people expect of us.

(Speech by Mr. Webb omitted and sent to him)
(Speech by Mr. Cunniff omitted and sent to him)
(Speech by Mr. Wells omitted and sent to him)
(Speech by Mr. Lynch omitted and sent to him)

Mr. Parsons: I desire to ask the gentleman from Yavapai, Judge Wells, a question, if he will yield. I want to ask you, Judge, under your knowledge of the law, if you think if we pass this proposition No. 60, that our state legislature would be authorized to pass any law requiring any practitioner of medicine of healing to undergo an examination and receive a certificate from any authorized board in this state?

Mr. Wells: My idea of the thing is this: That the legislature could not pass an act that would restrict the practice of medicine or any method of healing.

Mr. Parsons: Then it is your idea that if we adopt this proposition in the constitution there will be no provisions enacted by our legislature regulating the practice of medicine, but each person will be perfectly free to practice, and each individual perfectly free to employ whom he will?

Mr. Wells: I do not think it goes that far. I think they would have the right to enact a medical bill, but as far as these other methods were concerned they would not discriminate against them.

Mr. Parsons: By not discriminating against them, I understand the legislature might pass certain requisites that all must comply with, and not discriminate in favor of any.

Mr. Wells: That involves this problem: To determine what a medical school is. What I understand by it, is a school of learning which teaches healing and sends out representatives. Now, the board of medical directors has no knowledge of the learning of the Christian Scientists or mental science healers, because they are not educated in that school, and hence they would give an examination with their own school of treatment, and not what the other school had taught.

Mr. Parsons: Then I understand the state should appoint a board composed of representatives from all the schools, who should examine the Christian Scientists and other healers upon the qualifications as taught in schools of that class.

Mr. Wells: I think there should be represented on that board every school of healers, in order to examine each school according to the knowledge of that particular school.

(Speech by Mr. Parsons omitted and sent to him)

Mr. Morgan: I would like to ask the gentleman from Graham, Mr. Lynch, and the gentleman from Greenlee, Dr. Tuthill, if this proposition be not passed, whether in case Jesus Christ was to come to Arizona if it would not prevent him from healing?

Mr. Tuthill: Will the gentleman yield to a question? If the territory of Arizona did not license Jesus Christ to practice, it would not bother you at all, would it Mr. Morgan?

Mr. Morgan: In answer to the gentleman from Greenlee, I would say if I was troubled with any disease, and Jesus Christ could cure me, it would interest me to a considerable extent.

Mr. Tuthill: I do not think Mr. Morgan presented that question seriously, but I want to make this point once more: We now have a medical board which offers an examination that any competent practitioner of medicine no matter what school he belongs, can take. When I took the examination there were eight or nine applicants, belonging to three schools. We all took the same questions and there was not one question asked as to treatment, and if you put this proposition in, you will reverse that.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Colter: I would like to ask Mr. Ellinwood if he thinks the legislature could not make a high standard even if this were put in the constitution to prevent any one practicing in the future.

Mr. Ellinwood: I do not think so.

Mr. Colter: I offered an amendment thinking that possibly it might do away with quacks and people of that kind, but after hearing the discussion and giving it some more thought I withdraw the motion I made, with the consent of my second, as I think the legislature can still make sufficiently high standards.

Mr. Morgan: I move that this proposition No. 60 be indefinitely postponed.

Mr. Lovin: I second the motion.

Mr. Chairman: Are you ready for the question?

Mr. Webb: I simply desire to say, if I understood rightly the reading of the constitution and decisions by Mr. Ellinwood, it simply bears out my position, that this law will not be discriminatory. I would not have spoken had not the gentleman from Greenlee spoken again. The very organization of the board of examiners certainly suggests discrimination. Out of five members, three belong to one school. Two other schools are represented, and the others are not.

(Speech by Mr. Wells omitted and sent to him)

Mr. Morgan: For good and sufficient reasons, I withdraw my motion.

Mr. Coker: I make the same motion: That Proposition No. 60 be indefinitely postponed.

Mr. Cunniff: I second the motion.

Mr. President: The secretary will call the roll. All in favor will answer aye; opposed no.

Roll call showed 38 ayes and 12 nays.

Mr. Webb: Mr. President, I desire to change my vote from no to aye. From past experience I believe that tomorrow I may be able to carry this proposition unanimously. I wish the record to show I make the change for the purpose of reconsideration solely.

Mr. President: The motion is carried. Third reading of Proposition No. 94.

Secretary: (reading) "Mr. President, your committee on style, revision and compilation begs leave to report it has examined Substitute No. 94, and respectfully recommends that the appended amendments be adopted, and that the said proposition in the appended engrossed copy be adopted and revised therein.

Mr. Webb: I make in good faith this motion, believing there is no single thing in this entire proposition that in any way affects our constitution or the state of Arizona. I have been informed by those who have carefully studied it, and have personally examined it, and can find no single word that is necessary, I therefore move that further consideration of the entire proposition be indefinitely postponed.

Mr. Osborn: I second the motion.

(Speech by Mr. Ingraham omitted and sent to him)

(Speech by Mr. Jones of Maricopa omitted and sent to him)

(Speech by Mr. Baker omitted and sent to him)

(Speech by Mr. Lynch omitted and sent to him)

Mr. President: The question will first be on the indefinite postponement of this proposition. All in favor will answer aye; opposed no. The motion is lost. The question will

now come up on the amendment of the gentleman from Maricopa, Mr. Jones. Those in favor of adopting the amendment as offered by the gentleman from Maricopa will answer aye; opposed no. The motion is lost.
Mr. Ellinwood: Mr. Chairman, I move an amendment to section 13, after the end of the sentence, making the section read, "the privileges of the writ of habeas corpus shall not be suspended by the authorities of the state unless when, in case of rebellion or invasion, the public safety may require it.
Mr. Baker: I second the motion.
Mr. Connelly: Mr. President, in case of rebellion or war would this have anything to do with the military law being enforced in the state?
Mr. Lynch: In reply I would state to the gentleman that during the Civil War the privilege of the writ of habeas corpus was suspended in many states at many times.
(Speech by Mr. Ingraham; omitted and sent to him)
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Roberts: I second the motion.
Mr. President: I would suggest to the gentleman to vote on the first amendment first.
Mr. Crutchfield: I have no objection.
Mr. President: The question is up on the amendment of the gentleman from Cochise.
Mr. Ellinwood: I ask for roll call.
Mr. Baker: Mr. President, I would like to read to the convention the history of other constitutions on this matter. I find on examination that the provision substantially made by the gentleman from Cochise that it shall never be suspended except in case of invasion or rebellion is in the following states: Arkansas, Colorado, California, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Montana, Louisiana, Maine, Michigan, Minnesota, Nevada, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, New Jersey, Washington, Wisconsin and Wyoming. It is left out in the following states: Alabama, Georgia, Maryland, Missouri, North Carolina, Oklahoma Texas, West Virginia.
Mr. Feeney: It is left out in the good old democratic states. In the past history of the suspension of that writ there is one black page in the history of our country that it will take a long time before we outlive it, and I absolutely object because the suspension may be allowed by the federal statutes and by the President, but in the state I object to this being there because it never has been suspended except for a time that it might be the weapon of privileged interests.
Mr. President: Call the roll on the adoption of the amendment proposed by Mr. Ellinwood. Those in favor will answer aye as their names are called; opposed no. The secretary will call the roll.
Roll call showed 16 ayes and 32 nays.
Mr. President: The motion is lost.
Mr. Crutchfield: Mr. Chairman, I withdraw my amendment.
Mr. Cunniff: Mr. President: I move you that Section 16 as it appears in the report of the committee of the whole be inserted instead of Section 16.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Jones of Maricopa: Mr. Chairman, I would like to have some of the committee explain the purpose of injecting the language in Section 27 into the bill of rights. What is it designed to accomplish?
Mr. Crutchfield: Mr. President, I do not know that the question was put to me, but the purpose of this, as I take it,

is to emphasize the value of the fundamental principles and call attention to the fact that they are the real basis for all laws. It only gives emphasis to the fundamental and gives it preference.

Mr. Ingraham: Mr. Chairman, I think the committee on style, revision and compilation will make that the opening sentence of the bill of rights. I think the very fact that certain gentlemen on the floor of this convention have moved that this entire bill of rights be stricken out is the best illustration of the necessity of impressing upon our minds the truth of Section 27. It seems to me that will make an excellent opening sentence to this declaration of rights.

Mr. Cunniff: Mr. President, I move you that Section 27 as it appears in the bill of rights, be made Section 1 of the bill of rights.

Mr. Crutchfield: I second the motion.

Mr. Jones of Maricopa: Mr. President, I move to strike that out. It looks as if we were trying to teach a primary class, and we would draw a picture of a mule and then say "this is a mule." Ithink it is absurd.

Mr. Cunniff: The constitution is a declaration of policy, and there is no declaration of policy we can make that is more valuable than this.

Mr. President: The question will come up on the amendment offered by Mr. Jones of Maricopa that we strike out Section 27. Those in favor will answer aye; opposed no. The nays have it. The question will come up on the amendment of the gentleman from Yavapai that Section 27 will be made Section 1 of the bill of rights. Those in favor signify by saying aye; those opposed no. The ayes have it and it is so ordered.

Mr. Cunniff: Mr. Chairman, I move that the proposition be adopted as amended.

Mr. Moore: I second the motion.

Mr. President: Those in favor will signify by saying aye; those opposed no. The ayes have it. The question comes up on the third reading of the proposition. Call the roll on the third reading--final passage. Those in favor of the passage of Proposition No. 94 as amended will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.

Roll call showed 41 ayes and 7 nays.

Mr. President: Proposition No. 94, bill of rights, is passed.

Mr. Cunniff: Mr. President, I move that the proposition as amended be adopted.

Mr. Parsons: I second the motion.

Mr. President: It has been moved and seconded that Proposition 43 be adopted as revised. Those in favor signify by saying aye; opposed no. The ayes have it and it is so ordered. Third reading of the proposition. Those in favor of the proposition will answer aye as their names are called; opposed no. The secretary will call the roll on the final passage.

Roll call showed 44 ayes and 3 nays.

Mr. Cunniff: The next is Ordinance, which is the only one left on the table. I think the only amendment we have made was where we cut out the words "by Congress."

Mr. Ingraham: I move that we change the word "the foregoing" to "this" at the beginning of Section 13.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Ingraham: Mr. President, in Oklahoma, you will remember, they had only one election at which the constitution was ratified and the state officers elected. Under the provisions of our enabling act we must first have a ratification election and later another election for state officers, so it will work out best to have election Ordinance No. 1 relate to the first election, which will be the ratification, and election Ordinance No. 2 relate to the election of officers.

Mr. Cunniff: I move that Substitute Proposition No. 119 be adopted as amended.

Mr. President: If there is no objection the motion will be considered carried. Hearing none, so ordered. The question will come up on the final passage. Call the roll, Mr. Secretary.

Roll call showed 46 ayes and no nays.

Mr. President: The proposition is passed.

Mr. Osborn: I move to take a recess until 2 O'clock.

Mr. Cunniff: I second the motion.

The motion prevailed.

Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. Gentlement of the convention, the only thing before us this afternoon, so far, until the committee on style revision and compilation makes a report, is consideration of Proposition No. 66.

Mr. Orme: Mr. President, I move that that number be changed to 149.

Mr. Franklin: I second the motion.

Mr. President: It has been moved and seconded by Mr. Orme that Proposition No. 66 be amended to read Proposition No. 149. Are you ready for the question?

Mr. Cobb: Mr. President, was not that committee instructed to bring in a report?

Mr. President: They are going to bring in a typewritten copy.

Mr. Feeney: Mr. President, I move we take a recess subject to the call of the gavel.

Mr. President: If there is no objection the convention will stand at recess subject to the call of the gavel. Hearing none, it is so ordered.

Recess taken.

Mr. President: The convention will come to order. If there are no objections the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Moeur, in the chair.

Mr. Chairman: The committee of the whole will come to order. We have on the calendar consideration of Proposition No. 149. What is your pleasure?

Mr. Orme: I move to substitute this report for the report put in yesterday.

Mr. Kingan: I move to amend by substituting the following: "All existing rights to the use of any of the waters of this state for any useful or beneficial purposes are hereby recognized and confirmed," for the whole of the substitute report of the committee.

Mr. Coker: I second the motion.

Mr. Baker: Mr. Chairman, I am in hopes that the gentleman's motion will not prevail. I would like to call his attention to the first clause: "The common law doctrine of riparian water rights shall not obtain in this state." We do not want to leave that question open in our new state.

Mr. Kingan: I would like to ask the gentleman from Maricopa a question. What is the reason for inserting that in the constitution? It is the law of this territory and has been for forty or fifty years, and it seems to me it is a matter purely legislative.
Mr. Baker: The answer is that it is purely fundamental. If a future legislature should undertake to establish a common law doctrine of riparian rights in this territory they could do so. I want it fixed so that no legislature can ever do that thing.
Mr. Chairman: The question comes up on the amendment offered by Mr. Kingan. You have heard the amendment. All in favor will answer aye; opposed no, as their names are called.
Mr. Orme: Mr. Chairman, this is a question that is vitally important to the irrigators of Arizona. This is merely a basic law. There is nothing in the whole proposition that any man can take exceptions to. It is all fundamental law pure and simple, and we ask, gentlemen as irrigators throughout this territory, that you pass this bill. Think a little. Give us farmers a little chance. Let us know our rights, which water appropriations should apply. I am opposed to inserting in the constitution anything but what is right, but as a farmer I ask you to pass this bill.
Mr. Parsons: I want to ask the gentleman what right he thinks the farmers of this state would be deprived of by the adoption of the amendment offered by Mr. Kingan.
Mr. Orme: That portion is in this bill but it does not go far enough. It does not define which appropriation of water should stand first.
Mr. Parsons: Is not that purely legislative?
Mr. Orme: No sir. The legislature has never passed a law on the subject. All the laws in this territory are purely judicial, and this ratifies and confirms all of the judicial rulings heretofore.
Mr. Baker: Mr. Chairman, I would like to ask a question. What objection can you have to declaring that the common law doctrine of riparian rights shall not be obtained in this state? Is it possible that you want it to be left an open question that some rich individual can buy up a piece of land through which a stream runs and thereby prevent the appropriation of any of that water by hundreds of settlers that may live along the stream? What objection can you have to declaring that these streams shall be public property and that no private individual shall acquire them?
(Speech by Mr. Parsons omitted and sent to him)
Mr. Colter: Mr. Chairman, I do not see why the gentleman from Cochise has not made these arguments before against other matters.
(Speech by Mr. Lynch omitted and sent to him)
Mr. Chairman: Call the roll.
Roll call showed 21 ayes and 26 nays.
Mr. Winsor: I want to call attention to the fact that Mr. Orme's substitute has not yet been adopted.
Mr. Chairman: All in favor of substituting Proposition No. 149 for No. 66 signify by saying aye; opposed no. The ayes have it.
Mr. Baker: I move to amend by striking out the words "within this state" after the word "rights", and the word "hereafter" after the word "not" on the second line.
Mr. Jones of Maricopa: I second the amendment.
Mr. Jones of Yavapai: The committee on irrigation and water rights was instructed to bring in a report Monday of which we have typewritten copies. This is supposed to be a substitute for Proposition No. 149.

Mr. Parsons: How do we know that this paper is what was changed to No. 149? This is not a substitute; it is a paper called "Water and Water Rights."
Mr Jones of Yavapai: I never mentioned a paper called "Water and Water Rights."
Mr. Orme: According to instructions, the committee brought in this report and I move that it be substituted for Proposition No. 149.
Mr. Ingraham: May I ask the gentleman from Maricopa a question? Is this paper entitled "Water and Water Rights" the substitute for Proposition No. 149?
Mr. Orme: Yes, this is the new one.
Mr. Lynch: I move that when the committee arises it recommend to the convention that a special committee be appointed by the President to bring in a report on water and water rights.
Mr. Parsons: I second that motion.
The motion prevailed.
Mr. Chairman: The chair will rule that the committee will take up the motion to substitute the paper entitled "Water and Water Rights" in place of Proposition No. 149. Those in favor of substituting say aye; those opposed nay. Call the roll.
Roll call showed 19 ayes and 29 nays.
Mr. Chairman: The motion is lost.
Mr. Cobb: I move when the committee arises it recommend the adoption of Proposition No. 149.
Mr. Tuthill: I move to amend that we substitute Section 3.
Mr. Winsor: Does the gentleman from Maricopa not wish to make a motion?
Mr. Baker: I do if they are ready to hear it. I move to strike out the words "The common law doctrine shall not obtain or be in force in this state.
Mr. Jones of Maricopa: I second that motion.
The motion prevailed.
Mr. Baker: I move that the word "any" in line 2, Section 2, be stricken out and the word "all" be substituted.
Mr. Jones of Maricopa: I second that motion.
The motion prevailed.
Mr. Baker: I now move as an amendment to this proposition that another section be added known as Section 3.
Mr. Coker: I rise to a point of order.
Mr. Chairman: Those in favor of the motion to add another section to this proposition, known as Section 3, say aye; those opposed nay. Call the roll.
Roll call showed 21 ayes and 28 nays.
Mr. Chairman: The motion is lost.
Mr. Cobb: I move that when the committee arises it recommend that the substitute Proposition be adopted as amended. Mr. Baker: I second that motion.
I move that the following be adopted as Section 3: "The waters of every river, creek or running stream in this state are hereby declared to be public property, subject, however, to the beneficial use of any person or persons, company or corporation under such reasonable restriction or regulation as the legislative power may prescribe."
Mr. Standage: I second that motion.
Mr. Parsons: I wish to state that this is already statutory law and is entirely unnecessary.
Mr. Coker: I rise to a point of order. This has already been disposed of.
Mr. Chairman: The chair will rule the motion in order.
Mr. Lynch: I cannot see any need of placing this in the constitution, but if it will satisfy the delegation from Maricopa county, why, I say include it.

Mr. Baker: It is for the satisfaction of the people and not for the pleasure of the delegation from Maricopa county. We believe that it will prove to be just what the people want.
Mr. Chairman: Call the roll, Mr. Secretary.
Mr. Colter: I want to move an amendment to be Section 4 as follows: "Beneficial use shall be the basis, the measure, and the limit of the right to the use of public waters, and priority of appropriation for such use shall give the better right except that in times of scarcity a preference shall be given to the following purposes in the order named, viz: domestic, stock water, agricultural, mining and manufacturing purposes." This I think is the most important paragraph of all. It will stop more confusion and put agriculture on a more satisfactory basis. I see no reason why we should not have a fundamental law naming the industries in their order of preference.
Mr. Cunniff: I cannot see any use in this amendment. We thrashed the whole matter backwards and forwards and sideways, and agreed to leave the matter as it is.
Mr. Ingraham: I second Mr. Colter's amendment.
Mr. Coker: I rise to a point of order: This has already been voted on.
Mr. Chairman: The motion is in order. All in favor of the amendment will signify by saying aye; opposed no.
Mr. Ingraham: Some of the gentlemen of the convention seem to have considerable objection to this paragraph, but I have heard no good reason given. Unless I am shown where I am wrong I shall vote in favor of it.
Mr. Feeney: Mr. Chairman, it is purely legislative.
Mr. Jones of Yavapai: I thinkthis was thrashed out thoroughly on Saturday.
Mr. Chairman: Call the roll, Mr. Secretary.
Roll call showed 28 nayes and 20 nays.
Mr. Baker: I move that the following be added as Section 5: "Public waters shall be subject to beneficial use by any person or persons, company or corporation under such reasonable restrictions and regulations as the legislative power may prescribe."
Mr. Standage: I second the motion.
Mr. Jones of Yavapai: I move an amendment that Proposition No. 149 be indefinitely postponed.
Mr. Parsons: I second that.
Mr. Goldwater: I suggest that the secretary do not put that in as an amendment. It is not an amendment.
Mr. Chairman: Call the roll.
Roll call showed 26 ayes and 21 nays.
Mr. Chairman: The motion prevails.
Mr. Hunt: If there is nothing to come before the committee of the whole, I move the committee do now arise.
Mr. Parsons: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order.

Mr. Moeur: "Mr. President, Your committee of the whole begs leave to report it has examined Proposition No. 149, and respectfully recommends that it be indefinitely postponed."

Mr. Jones of Yavapai: I move the report of the committee be adopted.
Mr. Moeur: I second the motion.
Mr. President: Those in favor will answer aye; and those opposed no. The secretary will call the roll.

Roll call showed 24 ayes and 20 nays.
Mr. President: The report of the committee of the whole has been adopted and Proposition No. 149 indefinitely postponed.
Mr. Winsor: I move that the President appoint a select committee of three to which shall be referred the matter of water and water rights, with instructions to bring in a proposition declaring the common law doctrine of riparian water to be of no force or effect, and validating the existing rights to the use of water.
Mr. Cunniff: I move to amend that the words "and nothing more" shall be added.
Mr. Baker: I move an amendment that the matter be referred to the committee on agriculture and water rights, with instructions as announced.
Mr. Winsor: I accept the amendment.
Mr. Baker: I think we ought to do that out of respect to the honorable committee of the convention. I do not think we would be justified, with several honorable gentlemen on this committee, to slap them in the face in this manner.
Mr. Parsons: I agree with the gentleman from Maricopa that the convention ought to respect its committees, but I believe it is a poor rule that will not work both ways, and when a committee fails to respect the convention, it forfeits its right to respect. We have just done what Judge Baker asked us to do, and the committee ignored the request of the convention, and I say, let the matter rest where it is. I say if we are men, and have any respect for our own dignity, we should not do this. I do not believe in it, and I shall oppose it.
Mr. Winsor: I think if we are men we ought to be able to determine these questions on their merits and not like children, and if this provision should be in the constitution (and it has several times been declared the sense of the convention that it ought to be) we should put it there without consideration for any little difference that may be caused by the action of any committee.
Mr. Ingraham: I want to say just a word, that the committee on agriculture and water rights has the right to bring in as many propositions new or old as they care to.
Mr. Moeur: Has the committee on water rights the right to bring in something under a different name when they have not got the right name?
Mr. Ingraham: They brought this in as Proposition No. 149, a new proposition. That is the right of any committee in this convention.
Mr. President: Gentlemen of the convention, we have consumed two hours, and the question now is shall the convention refer the matter back to the committee?
Mr. Orme: Mr. President, I would rather it be referred to some other committee. It seems there is some opposition to this committee. After you put the question, I wish to arise to a question of personal privilege.
Mr. Winsor: I renew my motion that it be referred to a committee to be appointed by the president.
Mr. Webb: I want to suggest that possibly the articles of the Utah constitution will meet with unanimous consent. They are just two lines. "All existing rights to the use of any of the waters in this state for any useful or beneficial purposes are hereby recognized and confirmed."
Mr. Winsor: My motion went a little further than that. In any event the gentleman's suggestion would have to be introduced as a new proposition under the rules.
Mr. Webb: Not if you give unanimous consent.

Mr. Cunniff: I move that the proposition read by the gentleman from Graham be copied verbatim from the Utah Constitution.
Mr. Ingraham: I object. That is an infraction of the rules.
Mr. Webb: I move the rules be suspended and this be adopted.
Mr. Winsor: Mr. President, are we going to do things without any system?
Mr. President: The question will come up on the motion of the gentleman from Yuma, to refer this matter to a committee of three to be appointed by the chair.
Mr. Webb: I move as a substitute that the rules be suspended and the article in the Utah constitution on "water Rights" be adopted.
Mr. Winsor: Before this is done, I will wager that no such proceeding as that has ever been heard of in a constitutional convention or in any legislative body. There is no proposition before us, and nothing on the secretary's desk. There is absolutely nothing in an official way to act upon. I would like to know by what process the gentleman proposes to take his proposition up.
Mr. President: Those in favor of the motion of the gentleman from Yuma will answer aye; opposed nay. The ayes have it and it is so ordered.
Mr. Curtis: I suggest that this committee look over the New Mexico constitution; they may have some good ideas.
Mr. Cunniff: May I ask if there were any instructions to this committee?
(Speech by Mr. Orme omitted and sent to him)
(Speech by Mr. Lynch omitted and sent to him)
Mr. President: The chair will announce its selection of the committee on water and water rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage; and the gentleman from Yuma, Mr. Ingraham.
Mr. Cunniff: If there is no objection, I would like to revert to the head of "Reports of standing committees," as the committee on style, revision and compilation wishes to report now on Substitute Proposition No. 140, and Substitute Proposition No. 82.

Secretary: (reading) Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 140, and respectfully recommends that as revised and incorporated in Substitute Proposition No. 82 it be adopted. Your committee further begs leave to report it has examined Substitute Proposition No. 82, being the judiciary proposition, and respectfully recommends that the appended amendments be made thereto, and that the said proposition as amended and revised in the appended engrossed copy be adopted."

Mr. Winsor: Mr. President, I move that the report of the committee be adopted.
Mr. Ingraham: I second the motion.
Mr. President: It has been moved and seconded that the report of the committee be adopted.
Mr. Cunningham: Mr. President, in our printed copy in line 22, page 3, appears the word "cause." That has in the committee's report been changed to "case", and the same thing in line 24, the last word of that section. It is very doubtful whether that is intended to work the effect that the gentleman making the change expected.
Mr. Winsor: I would suggest that the report of the committee be adopted, after which any amendments desired

may be introduced.
Mr. President: Those in favor of adopting the report of the committee will answer aye; those opposed no. The ayes have it.
Mr. Cunningham: I move the word "case" in Section 3, lines 22 and 24 be changed to the word "cause."
Mr. President: Those in favor of that motion will answer aye; opposed no. The ayes have it.
Mr. Goldwater: Mr. President, I would like to ask a question for information. On page 8, line 5, it says that Justices of the Peace may be made police judges of incorporated cities. The title we have in Prescott is police recorder. How would this affect the proposition?
Mr. Cunningham: The City of Prescott works under a special charter and created the office for that city of police recorder.
Mr. Lynch: There are also police judges in incorporated cities, and this provision is that a justice of the peace may be a police judge. I want to move an amendment that the word "term" on page 3 in line 8 be changed to "time" for the reason that all the judges have the same term, and also in line 12.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Winsor: Mr. President, I propose an amendment to section 10, line 15, page 8, as follows: Before the word "each" insert the words "until otherwise provided by law," and on line 16 strike out the word "six" and insert the word "five."
Mr. Roberts: I second the motion.
Mr. Connelly: I move that that be amended by striking out the word "five" and inserting the words "forty-one hundred."
Mr. Coker: I move we adjourn until 9:30 tomorrow morning.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 a. m. November 30, 1910.

JOURNAL, December 1, 1910. 9:30 a. m.

Mr. President: The convention will come to order and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise for prayer.
Prayer by the chaplain.
Mr. President: We will have the reading of the minutes.
Minutes read and approved.
Mr. President: Here is a letter addressed to the convention.
Secretary: (reading) Letter from Eugene S. Ives, of Tucson, Arizona, regarding Section 9, Substitute Proposition No. 113.
Mr. Jones of Maricopa: Has Mr. Ives any authority to send in a Proposition?
Mr. President: It is only a suggestion by communication.
Mr. Winsor: I move you that the communication be laid on the table until Substitute Proposition 113 is before the convention.
Mr. Cunniff: I move you that the communication be referred to the committee on railroads and public sservice corporations.

Mr. President: If there are no objections the letter will be so referred. Reports of standing committees.
Mr. Cunniff: I have a report which is incomplete but can easily be finished. The preamble, the legislative, distribution of powers, and apportionment, and executive committees have not engrossed copies, but you can read from the printed copies and make corrections. I think it would be expeditious to have these propositions, which are now ready printed at once, and those which are not quite ready will be so by noon. It will hurry matters up to have this printing done as fast as they are finished by the committee. These constitute over half of the constitution.
Mr. President: If there are no objections the engrossed copies will be referred to the printing committees.
Mr. Cunniff: "Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 18 and respectfully recommends that the appended amendments be adopted and that the said Proposition as amended and revised in the appended engrossed draft be adopted."

Mr. Winsor: I move that the report of the committee be adopted.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Winsor: Now, Mr. President, I move that in section 2, line 14, the letter "s" as it now stands be stricken out.
Mr. Cunniff: It was the sense of the committee on style, revision and compilation to make this plural.
Mr. Winsor: I believe that it is wrong.
Mr. Wood: I would like to ask the gentleman from Yuma a question. Would it not be possible to have more than one nomination for the same office, which would require the plural form of this word?
Mr. Cunniff: The Committee examined that phrase and it was the sense of the committee to employ the plural form.
Mr. Winsor: You could just as well use the words "justices of the peaces."
Mr. Ingraham: In line 5, page 2, I move the following words be added: "The electorial district may include the entire state."
Mr. Goldwater: I second that motion.
The motion prevailed.
(Speech by Mr. Webb omitted and sent to him)
Mr. Cunniff: Will the gentleman yield for a question? The point the gentleman wishes to cover is contained in the minority report is it not?
Mr. Webb: I beg the gentleman's pardon. That was voted down; the majority of you gentlemen were against me, and that is ancient history with me. I have given one reason why I say it is unfair. The incumbent becomes a candidate. If he is a Democrat, and if he thinks that he ought not to be recalled he will not vote for a Democrat. The only fair way is to say "Recall, yes; Recall, no." If more votes are "no" than "yes" then all right, but it does not compel a democrat to vote for a republican, or vice versa. You can vote for some candidate, but keep the name of the incumbent off the ticket, and thus not bring political prejudices against him as well as judgment of his official record. My purpose in having it re-referred was that they might so change it that the ballot will be "recall, yes; Recall, no."
Mr. Weinberger: I rise to a point of order. I do not care

in what form he puts his motion. It was included in the minority report, and has already been voted down.
Mr. Webb: Mr. President, I rise to point out this question has never been presented on the floor of this convention.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Ellinwood: I want to say that the gentleman from Graham, as I read parliamentary law, is thoroughly right. I refer to page 186, Roberts Rules' of Order.
Mr. Lynch: In reply to the gentleman from Gila county, let me say that this convention has frequently taken up propositions and passed them, and upon redeliberation determined they were in error, and honestly, conscientiously, and fearlessly undone what had been done on even the day before. If the motion of the gentleman from Graham comprehends this right, let us have a change of position. I believe we may have been wrong, and the motion ought to prevail in the interests of fairness and right.
Mr. Cunniff: It seems to me we ought to act now, and not waste time by re-referring it to a committee.
Mr. Webb: It is impossible for me to prepare an amendment at this moment that would be satisfactory even to myself.
Mr. Cunniff: We ought to make progress; our time is very short, and if we have no substitute although I heartily advocate this idea it seems we ought to vote on this at once, and save delay if we have nothing better before us.
Mr. President: Those in favor of the motion of the gentleman from Graham will answer aye; opposed no. The secretary will call the roll.
Roll call showed 16 ayes and 30 nays.
Mr. President: The motion is lost.
Mr. Cunniff: Mr. President, I wish to move an amendment on page 3, lines 12 and 13, strike out the words "in not more than two hundred words" and in line 14 after the word "statement" insert the words "in not more than two hundred words", the idea being that the statement be made on the petition in not more than two hundred words, and that the same statement be copied on the ballot, without having to boil it down.
Mr. Weinberger: I will say that the committee on style, and revision thought that would be wise and delegated Mr. Cunniff to make that amendment, as we did not think we had the right to make that amendment in the committee.
Mr. President: All in favor will say aye; opposed no. The ayes have it, and it is so ordered. Any other amendments, gentlemen? If not, we willcall the roll on the third reading of the proposition.
Mr. Cassidy: I have a motion here, which I will ask the secretary to read.
Secretary: (reading) "That Substitute Proposition No. 18 as amended be referred to the committee on separate submission, and that said committee be instructed to make such changes only as may be necessary to submit said proposition to the separate vote at the time of election for ratification of this constitution, and that when said changes shall have been made, said committee report said proposition to the convention.
Mr. Orme: I second the motion.
Mr. President: You have heard the motion offered by the gentleman from Maricopa; are you ready for the question?
Mr. Winsor: I just want to say a word. There was a time during the discussion of this matter when I rather favored the idea of separate submission of the matter of the recall, but since carefully looking over the character of

the people who are behind the movement (and I do not refer to the gentleman from Maricopa, Mr. Cassidy, in any sense) I have altered my view, and I am unalterably opposed to separate submission.

Mr. Orme: It is a well known fact that we were sent here to draw a constitution on which to become a state, and from all information that I can receive in any way, shape or form, this recall proposition if put in the constitution will absolutely prevent us from getting statehood. Now, we came here for a certain purpose, statehood, first. It is true the delegation from Maricopa advocated the recall, but it is not in our platform, and we are not bound, and if that will interfere with out best interests in becoming a state as soon as possible, I am opposed to the recall, and I am in favor of putting it up to the people, but I am most assuredly opposed to putting it in under these conditions.

(Speech by Mr. Webb omitted and sent to him)
(" " " Parsons " " " " ")
(" " " Cassidy " " " " ")
(" " " Webb omitted and sent to him)

Mr. Parsons: Will the gentleman yield for a question? Why would that not apply with equal force to the initiative and referendum and all other progressive propositions? (Applause)

(Speech by Mr. Webb omitted and send to him)

Mr. Feeney: Do you recall a conversation you had with me in Bisbee in the presence of Mr. Bolan?

Mr. Webb: I recall it, but not the exact words.

Mr. Feeney: I remember specifically. I asked you as to your position on the initiative, referendum and recall.

Mr. Webb: And I told you I was in favor of them. I stated in my opening remarks that I would not consent to leave the matter out. There is not a stronger advocate for them than myself on the floor of the convention.

Mr. Moeur: I had not intended to take any part in this discussion this morning, but my colleague says we did not have the initiative, referendum and recall in our platform. We advocated the recall from the housetops, and on every opportunity, I was of half a mind to reconsider my vote on this and vote against it, but as long as the Arizona Democrat is on the other side, I know I am right. (Laughter) We pledged ourselves to the people of Maricopa county in our platform to give them the initiative, referendum and recall, and Ishall stand here and vote for the recall until I drop dead, if necessary.

Mr. Wood: The platform on which I ran specifically stated the recall must be embodied in the constitution, and that is why I am going to stay with it in the constitution.

Mr. Ingraham: This matter as far as Yuma county is concerned, has been settled. Like the gentleman from Maricopa, who last spoke, as he states the case was in Maricopa county, so was it in Yuma county, and the question of the recall was thrashed out thoroughly on the stump, so the people understood the situation. In a county where the republicans usually carried one-third of the candidates, and where the democratic majority scarcely ever exceeded 50 and frequently was only 10 or 15, we were elected by 300 majority and that is the answer of Yuma county. (applause.)

Mr. Cunniff: I attended a caucus of the delegates to the Yavapai county democratic convention the night before the convention, and I made the same argument in almost the same words that the gentleman from Graham has employed here today in favor of separate submission, and out of 90 odd in the caucus, I get just one vote, and that my own. Also, although a minority report was offered in that convention to exclude the recall, the majority report which included it was overwhelmingly passed. There is absolutely no question about where the democrats of Yavapai county are instructed to stand on this question.

Mr. Weinberger: I will say, as far as Gila county is concerned, the people did not send us down here to refer this matter back to them. They sent us down here to put it in the constitution.

Mr. Keegan: I want to reiterate the statement of Mr. Weinberger. That is exactly our position.

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. President: Call the roll. All those in favor of the amendment offered by the gentleman from Maricopa, Mr. Cassidy, will answer aye, opposed nay.

Roll call showed 11 ayes and 36 nays.

Mr. President: The motion is lost. It comes up on third reading. Those in favor of the passage of the proposition will answer aye, as their names are called; those opposed no. The secretary will call the roll.

Mr. Standage: Mr. President, I would like to explain my vote on this matter, I voted aye on the vote we just had on this. I also vote aye on this. I want the people to have the recall in some way. I was in favor of submitting it to the people.

Mr. Wells: Mr. President, I am not opposed to the recall generally, but as applied to the judiciary, I am utterly opposed. I vote no.

Roll call showed 35 ayes and 11 nays.

Mr. President: The proposition is passed.

Mr. Cunniff: Mr. President, the committee on revision has nothing further to offer at this moment.

Mr. President: If there is no objection the convention will resolve itself into a committee of the whole. We have Proposition No. 8 and Substitute proposition No. 150. The chair will call on the gentleman from Pima, Mr. Cooper, to take the chair.

Mr. Cooper: If you will excuse me; I am not physically able to stand the exertion.

Mr. President: Will Mr. Pusch, then, take the chair?

Mr. Pusch: If you will excuse me, I am not capable.

Mr. President: Mr. White please take the chair.

Mr. White: I wish to be excused.

Mr. President: Then the gentleman from Maricopa, Mr. Orme will take the chair.

Mr. Chairman: The committee of the whole will please come to order. Gentlemen of the convention, we will take up Proposition No. 8. The clerk will read the report.

Secretary: (reading) "Report of committee on schedule, mode of amending and miscellaneous on Proposition No. 8, recommending that substitute proposition submitted do pass."

Mr. Chairman: Are there any corrections to Section 1?

Mr. Kingan: Mr. Chairman, I wish to say that this schedule is one of the most technical parts of the constitution, and if I may speak for the committee in this matter, we invite the most careful attention to this schedule, being mindful of the fact that it is very easy that some important matters be overlooked.

Mr. Chairman: If there are no objections Section 1 will be approved. Are there any amendments to Section 2?

Mr. Cunniff: Mr. Chairman, I move that Proposition No. 8 be substituted in place of Section 2 of the majority report.
Mr. Wood: I second the motion.
Mr. Cunniff: Mr. Chairman, Proposition No. 8 is an exact copy of the Utah constitution, except that the proviso at the end has been added to clear up matters. I know of no place in the constitution which the laws of the territory of Arizona have been modified or changed by the enabling act, and it seems to me that this little phrase here, "modified or changed by the enabling act" is susceptible of varied interpretations. It seems to me this matter which was satisfactory to Utah will be entirely satisfactory to Arizona, the statement being that "the laws of the territory now in force that are not repugnant to the constitution," which seems to me to be the better phrase.
Mr. Chairman: Are you ready for the question? You have heard the motion of the gentleman from Yavapai to substitute Proposition No. 8 for the second section of the committee substitute. All those in favor of the substitute say aye; contrary no. The ayes have it, so ordered. Any objections to Section 3? Hearing none, we will pass to Section 4.
Mr. Cunniff: I move to amend line 15 by changing the word "choses" to the word "matters."
Mr. Cunningham: Mr. Chairman, when a word has acquired in law, regardless of what language it came from, a specific technical meaning, it is taking a great chance in writing the constitution to put in some other word there.
Mr. Cunniff: Mr. Chairman, I beg to point out that this constitution is not being made for the lawyers of Arizona, or for the courts of Arizona but it is made for the lawyers and the courts and the people of Arizona.
Mr. Ingraham: Mr. Chairman, I believe the word "choses" is as familiar to lawyers as the word "pneumonia" is to doctors, and in text books it has a very definite meaning, and I think we ought to leave it in here.
Mr. Cunniff: I inquire if there is anything in the word that is not in the word "matters."
Mr. Ingraham: If we were considering a medical matter and the word "pneumonia" occurred, would you attempt to put in some other word?
Mr. Cunniff: I would not, if that is a word that is in common use and known to everybody. We need no technical matters in this constitution.
Mr. Ingraham: This has a certain definite meaning. This may sound new to the ordinary member, but to the lawyer it is just an old-fashioned expression.
Mr. Short: They have told us that it is essential to use this word and that it is a very common word, but I venture to say that half the members here do not know what it means. Use a word that is shown in the dictionary.
Mr. Weinberger: I just wish to sah a word or two. We are not establishing a training school for lawyers, and this is a question that the courts have decided and it has a definite certain meaning. If we insert the word "matters" in here it will have anything but the meaning it has now.
Mr. Parsons: I desire to say that there are a great many matters in law that are not choses in action. Choses in action are simply the right of discovery, and there are a great many matters that are not even connected with the right of discovery.
Mr. Ingraham: What little French I have say that this

word "choses" is usually translated "things."

Mr. Chairman: All those in favor of substituting the word "matters" for the word "choses" will please rise; those opposed please rise. The motion is lost. Are there any other corrections to Section 4? If not, it will be approved, and we will pass to section 5.

Mr. Kingan: On line 24, page 2, the word "be" should be stricken out where it appears and should be added after the word "shall."

Mr. Chairman: If there is no objection that change will be made. If there are no other corrections we will pass to Section 6. If not, we will pass to Section 7. Are there any objections to the first paragraph of Section 7? If not, we will pass to the second paragraph. Are there any omissions or insertions? If not, we will pass to the next session. Any objections to Section 8? If not, we will pass to Section 9.

Mr. Kingan: On line 9, page 5 of Section 9 the word "court" should be inserted after the word "United States."

Mr. Chairman: If there is no objection the change will be made.

Mr. Parsons: Mr. Chairman, I desire to ask for information. There is a peculiar reading to line 4 of this section, page 5. "Whenever a quorum of the judges of the supreme court shall have been elected." This would intimate that we are going to elect the judges by piece-meal.

Mr. Chairman: Pass to Section 10. If there are no changes we will pass to Section 11. Any changes to be made in Section 11? If not we will pass to the next.

Mr. Parsons: It would seem to me in line 21 before the word "officers" the word "state" should appear.

Mr. Winsor: Mr. Chairman, I would like to revert to Section 11. It seems to me that there is a little bad construction there. "The provisions of the constitution shall be in force from the day on which the President of the United States shall issue his proclamation." I move it be made to read as follows: "shall be in force from the day the proclamation of the President of the United States shall declare the state admitted into the Union."

Mr. Kingan: That covers that.

Mr. Chairman: Any objections to Section 13? If not, it will stand approved.

Mr. Parsons: I move the committee do now arise and report progress and recommend to the convention that Substitute Proposition No. 8 as amended by the committee of the whole do pass.

Mr. Feeney: I second the motion.

The motion prevailed.

The President resumed the chair.

Mr. President: The convention will come to order. The gentleman from Maricopa, Mr. Orme, is recognized.

Mr. Orme: "Mr. President, your committee of the whole begs leave to report that it has examined Substitute Proposition No. 8 and recommends that it do pass as amended."

Mr. President: Those in favor of adopting the report of the committee will answer aye; those opposed will answer no. The ayes have it. Shall it be engrossed and have a third reading? Those in favor answer aye; those opposed no. The ayes have it; so ordered.

Mr. Bolan: Mr. President, I move we take a recess until 2 o'clock.

Mr. Wills: I second the motion.

The motion prevailed.

Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present. We will first take up the reports of committees.

Mr. Cunniff: Mr. President, your committee on style, revision and compilation begs leave to report it has examined Propositions No. 40, 47, 50, 61, 62, 64, 68, 91, 93, 107, 108, 125, 141, and respectfully recommends that the appended amendments be adopted and that the propositions be adopted in the appended engrossed form.

Mr. President: I move you that the report of the committee be adopted.
Mr. Coker: I second the motion.
The motion prevailed.
Mr. Parsons: Mr. President, when this matter was before the committee of the whole, the question of the adoption of paragraph 5 as it appears in the printed copy was considered, and I think considered hastily. I now desire to offer as an amendment to the report of the committee that Section 5 of the printed report, beginning at line 13 on page 1 of this report and extending to and including line 4 on the following page, be inserted as a part of the proposition.
Mr. Ellinwood: I second the motion.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Roberts: Mr. Chairman, this committee of the whole decided the other day that this matter was purely legislative and it seems to me that it is no time to reconsider it here. It seems to me the action of this committee has been proper and fair.
(Speech by Mr. Sims omitted and sent to him)
Mr. Roberts: I appeal to you as democrats not to impose upon us a big fight at this time.
Mr. Cobb: I am heartily in sympathy with this amendment and I think it should pass. We have had this same fight over in Graham, and the result was the county was divided.
(Speech by Mr. Parsons omitted and sent to him)
(Speech by Mr. Cunningham omitted and sent to him)
Mr. Parsons: Let me ask Mr. Cunningham a question. I would like to ask him what the population of Tombstone was in 1879?
Mr. Cunningham: I was not a citizen of that county at that time.
Mr. Sims; of Cochise; My understanding is it was about 25,000. There are about 1000 there now.
Mr. Chairman: Those in favor of the amendment as offered by the gentleman from Cochise, Mr. Parsons, will answer aye as their names are called; those opposed will answer no.
Mr. Doe: Mr. President: I desire to explain my vote. I shall vote no, but solely on the grounds that I deem it is purely a matter for legislative enactment and not a proper matter to be brought into the constitution.
Roll call showed 22 ayes and 24 nays.
Mr. President: The motion is lost. Any other amendments to be offered?
Mr. Short: I have an amendment here I would like to offer. After the word "thereof" in line 8 in Section 3 insert the words "for a term of two years."
Mr. President: You have heard the amendment as offered by the gentleman from Yuma, Mr. Short. Those in favor will answer aye; opposed will answer no.

Mr. Cassidy: Mr. President, I have an amendment here to offer, adding this at the end of the last section; "The board of supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and salaries so fixed shall remain in full force and effect until changed by general law.

Mr. Cunniff: I second the motion.

Mr. Cassidy: The purpose of this motion is that when we are admitted into the union, the sheriff, unless we put in a provision of this kind, will have no salary until after the legislature meets, nor justices of the peace or constables.

Mr. Colter: I would like to amend that by including school the superintendent of Apache county.

Mr. President: You have heard the amendment as offered by Mr. Cassidy. All those in favor will answer aye; those opposed will answer no. The ayes have it and it is so ordered.

Mr. Cobb: Mr. President, I move that where the words "county surveyor" appear they be stricken out. I do this for the reason that I doubt if there is more than two counties in the territory that have enough work for a county surveyor to insure the election of a competent man. I think it is much better to leave it to the board of supervisors to appoint a good competent man to do the work when they have work to do.

Mr. President: It is on the motion of Mr. Cobb.

Mr. Cunningham: I rise to a point of order. The result of the vote has been announced and a motion to reconsider would have to be made.

Mr. President: Gentlemen, you have heard the motion of the gentleman from Greenlee, to strike out the words "county surveyor."

Mr. Weinberger: I think that we have to have a county surveyor.

Mr. Cobb: We do not have to have a county surveyor, as the board of supervisors can have any work done that is needed.

Mr. President: Are you ready for the question? Those in favor of the motion of the gentleman from Greenlee say aye; those opposed nay. The motion is lost.

Mr. Cunningham: I move that the report of the committee be adopted as read.

Mr. Cunniff: I move you that the matter be re-referred to the committee on style, revision and compilation.

Mr. Ellinwood: I second the motion.

The motion prevailed.

Mr. Cunniff: I ask unanimous consent to have Proposition No. 47 re-referred to the committee on style, revision and compilation.

Mr. President: If there are no objections the proposition will be referred to the committee.

Mr. Cunniff: (reading) Report of committee on style, revision and compilation on Substitute Proposition No. 141, relative to child labor.

Mr. President: I move the report of the committee be adopted.

Mr. Feeney: I second that motion.

The motion prevailed.

Mr. Cunniff: Mr. President, I move that Substitute Proposition No. 141 as amended be adopted by the convention.

Mr. Parsons: I second the motion.

The motion prevailed.

call the roll on the final passage.
Roll call showed 47 ayes and no nays.
Mr. President: The proposition is passed.
Mr. Cunniff: (reading) Report of committee on style, revision and compilation Proposition No. 93, Section 1, line 3, strike out after the word "house" the words "to an." Section 2, line 1, strike out word "passed" and insert the word "enact." Mr. President, I move you that the report of the committee be accepted.
Mr. Roberts: I second that motion.
The motion prevailed.
Mr. Ellinwood: I move to strike out Section 1. I think it is going too far for this constitutional convention to say the legislature shall not allow anyone on the convention floor. Suppose the President of the United States or the governor, or perhaps a governor from some other state, should visit the legislature, would it not be the duty and an act of courage to admit them? I think that it should be left to the legislature to adopt such measures for themselves.
Mr. Feeney: I second the motion.
Mr. Parsons: I desire to amend the amendment by adding after the word "legislature" the words "without the consent of the majority of the members thereof."
Mr. Roberts: I second the motion.
(Speech by Mr. Webb omitted and sent to him)
Mr. Feeney: I desire to add my opinion in this matter for I think that it is very probable that the members of the state legislature will come to these halls with exactly the same feeling of loyalty and patriotism that the members of this convention came, and that they will be such men as we could safely trust to make their own laws and rules governing those who should be given privileges in the halls of the legislature. This right should not be denied them to make their own rules and for this reason I seconded the Ellinwood amendment.
Mr. Parsons: I desire to say that if the gentlemen feel this way then they will forever bar the legislature from making any laws against lobbying or that is they will give them the right to permit such work as lobbying and there will be no means of preventing it whatsoever, but if the amendment I proposed prevails, then it will give the members who might be opposed to the third house from having any such work in the legislature, but not preventing them from having their wives or their friends visiting them in the halls of the legislature.
Mr. Webb: I think that the whole section should be stricken out as the amendment would permit them to do just as they please just the same as though there were no restrictions at all, and I can see no reason of placing a measure in the constitution which will allow the legislature to do just as they please with the law as without it.
Mr. President: Gentlemen, the question now comes on the amendment offered by Mr. Parsons. Those in favor of the motion will say aye; those opposed nay. The nays have it. The motion is lost. The question now comes upon the motion of Mr. Ellinwood to strike out Section 1. Those in favor of the motion will say aye; opposed nay on the roll call.
Mr. Moeur: I do not think that it is within the province of this convention to make such a law. God knows if they have not better sense than the members of the convention have, then they won't pass any law that would prevent them from doing just as they please and I am in favor of striking out the whole section.
Mr. President: Call the roll, secretary.

Roll call showed 33 ayes and 13 nays.
The motion prevailed.
Mr. Webb: I move that further consideration of Proposition No. 93 be indefinitely postponed.
Mr. Coker: I second the motion.
Mr. President: The secretary will call the roll, and those who are in favor of postponement will say aye; those opposed no.
Roll call showed 24 ayes and 25 nays.
Mr. President: The motion is lost.
Mr. Jones of Maricopa: I move that the word "regulate" be stricken out and the word "prohibit" inserted.
Mr. Bolan: I second that motion.
Mr. Cunniff: The committee on style revision and compilation had a long discussion on that question, and it was decided that it was quite impossible to prohibit lobbying but that it could regulate lobbying and for this reason the word "regulate" was employed.
Mr. Wood: One of the state constitutions of the Union says: "Lobbying is hereby declared to be a crime."
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Osborn: I would like to have that last roll call verified. I believe it was incorrect.
Mr. Short: Is section 1 stricken out of the Proposition entirely? I would like to offer an amendment to lines 1 and 2. Section 1 and make it read as follows: "floor of either house of the legislature." We do not mind lobbying on the streets but in the houses we do.
Mr. President: Gentleman from Maricopa, Mr. Jones, has an amendment.
Mr. Jones: I would like to have that word "regulate" changed to read "prohibit."
Mr. President: Those in favor of the motion of the gentleman from Maricopa may say aye; those opposed nay. The motion is lost. The question comes up on the motion of Mr. Short: Those in favor of this motion will say aye; those opposed nay. The ayes have it.
Mr. Jones of Maricopa: If we are going to regulate this I now renew my motion to strike out the word "regulate" and insert the word "prohibit."
Mr. President: Those in favor of the motion of the gentleman from Maricopa say aye; those opposed nay. The motion is carried.
Mr. Cunniff: I now move that the words "further regulating the practice of lobbying," at the end of the proposition be stricken out.
Mr. Ellinwood: I second the motion.
Mr. President: Those in favor of the motion of Mr. Cunniff, will say aye; those opposed nay. The ayes have it and it is so ordered.
Mr. Short: There has been something left out. One of the floor of either house. I will send that phrase up.
Mr. Osborn: They do not have to do it, and I do not see any use of making such a provision and then leaving it to their choice. I move that the proposition be indefinitely postponed.
Mr. Standage: I second that motion.
Mr. President: Are you ready for the question. Those in favor of indefinite postponement will say aye; as their names are called; and those opposed nay. Roll call, secretary.
Roll call showed 22 ayes and 27 nays.
Mr. President: The motion is lost.
Mr. Lynch: I move the proposition be now adopted as it reads.

Mr. Sims: I second that motion.
The motion prevailed.
Mr. President: The secretary will call the roll on final passage.
Roll call showed 39 ayes and 10 nays.
Mr. President: The proposition is passed.
Mr. Cunniff: (reading) Report of committee on style, revision and compilation on Proposition No. 50. I move you that the proposition be adopted as in the engrossed copy.
Mr. Feeney: I second the motion.
The motion prevailed.
Mr. President: Roll call on final passage.
Roll call showed 45 ayes and no nays.
Mr. President: The proposition is passed.
Mr. Cunniff: (reading) Report of committee on style, revision and compilation on Proposition No. 125. I move the proposition be adopted as revised and amended.
Mr. Sims: I second that motion.
The motion prevailed.
Mr. President: The secretary will now call the roll on the final passage.
Roll call showed 45 ayes and 1 nay.
Mr. President: The proposition is passed.
Mr. Cunniff: (reading) Report of committee on style, revision and compilation on Proposition No. 108. I move you that the report of the committee be adopted.
Mr. Osborn: I second that motion.
The motion prevailed.
Mr. Ingraham: I move you that after the word "election" the word "primary" be added.
Mr. Feeney: I second that motion.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Parsons: I desire to offer an amendment to the amendment of the gentleman from Yuma if he will accept it. After the word "primary" add the words "within the state of Arizona or any political sub-division thereof."
Mr. Ingraham: I accept that amendment.
Mr. Cunniff: I would like to vote for half of the motion but the other half I do not want to vote for. In this matter I can see no bearing on the subject in the State of Arizona.
Mr. Ingraham: I withdraw my acceptance of the amendment of Mr. Parsons.
Mr. Parsons: I withdraw my amendment.
Mr. President: All those in favor of the amendment offered by the gentleman from Yuma, say aye; those opposed nay. The ayes have it. If there are no further amendments, we will call the roll on final passage.
Mr. President: The proposition is passed.
Mr. Moeur: I think the aye vote will probably give the number of gentlemen in this convention who will be running for office in the near future.
Mr. Cunniff: (reading) Report of committee on style, revision and compilation Substitute Proposition No. 61. I move the report of the committee be adopted.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. President: Call the roll on final passage.
Mr. Webb: Mr. President, I desire to say I am inclined to believe that will apply to school teachers. I vote no for safety, anyway. Quite a number of gentlemen have told me it applied to school teachers. I desire to change my vote from nay to aye. I am afraid too many will change to allow reconsideration.

Roll call showed 37 ayes and 10 nays.

Mr. President: The proposition is passed.

Mr. Cunniff: (reading) Report of committee on style, revision and compilation on Substitute for Proposition No. 107, on Militia. I think the substitute was never printed. I move the report of the committee be adopted.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. President: Call the roll on the final passage of the proposition.

Roll call showed 47 ayes and no nays.

Mr. President: The proposition is passed.

Mr. Cunniff: (reading) Report of committee on style, revision and compilation on substitute Proposition No. 64, this is not printed, but follows the copy in Proposition No. 130, on mine inspector, although the revision committee has made one or two minor correction. I move the report be accepted.

Mr. Sims of Cochise; I second the motion.

The motion prevailed.

Mr. Moeur: Is any salary provided for this gentleman?

Mr. Cunniff: There is no salary.

Mr. President: The secretary will call the roll on final passage.

Roll call showed 44 ayes and 2 nays.

Mr. President: The proposition is passed.

Mr. Cunniff: The next is substitute proposition No. 62. It has not been printed, but has been revised by the committee, and has nearly the same form as the original, with much of the original left out. Mr. President, I move the report of the committee be accepted.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Ellinwood: I move to strike out the word "a" before "city" and insert in lieu thereof "an incorporated city or town."

Mr. Webb: I second the motion.

Mr. Crutchfield: The question occurs to me is this not doing away with what we were intending to prevent in this clause? It occurs just as much outside of incorporated cities.

Mr. Ellinwood: I am moved by the same spirit as the gentleman from Maricopa, but it seems to me if you leave the word "town" it may be a cross-road with very few inhabitants, and to put the constable or justice in that place on a salary would be more burdensome than the fee system.

Mr. Crutchfield: I withdraw my objection.

Mr. Jones of Yavapai: I agree with the gentleman from Maricopa that the abuse of this fee system is just as large outside of the incorporated cities and towns, and I do not know but it is more. It is most assuredly true that the burden of taxation caused from taking people to jail and paying railroad expenses and keeping them in jail amounts to more in these outlying districts than it does in the cities and towns where the county jail is right in the town and the district attorney is a resident of the county seat. I, therefore, hope the amendment of the gentleman from Cochise will not prevail.

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Webb: I seconded the motion of the gentleman from Cochise, and had he not withdrawn the motion I should have withdrawn my second, for the reason there has come to my mind a town of several thousand in my county where the,

fee system has been abused, although that town is not incorporated, but even this last motion is not satisfactory, for I know of a dozen small towns where the office does not average $10. in one year, and has not done so. My idea would be, if there is no objection that I can see at this moment, to make it read "including cities and towns with a population of 250 or more."
Mr. Colter: I second the motion. That was what I was going to say.
Mr. Winsor: It has occurred to me, that inasmuch as we have placed the sheriff office on a salary we have done away with the deputy sheriffs. Every sheriff places a deputy in almost every precinct where there is a constable, and a great deal of business that now goes to this deputy sheriff would devolve on constables.
Mr. Webb: That is not true of the precincts in my county.
Mr. Winsor: Possibly not there, but I think that would be so in a great many cases, and there will be more business for the constables hereafter than there has been heretofore, inasmuch as considerable business has been done by the deputy sheriffs; and it seems to me very much in the interest of saving to have all the justices of the peace and constables on salary, which in a small precinct could be a minimum salary.
Mr. Weinberger: I want to say if the proposed amendment prevails, the justice will still be paid fees, because a justice is not a county officer; he is a precinct officer.
Mr. Ellinwood: Mr. Chairman, my own idea of the proper system is the same system the United States government employs as to United States commissioner. They allow him fees up to a certain amount, and after that the fees must be turned into the public treasury. The territory should provide that the justice of the peace should receive fees up to $100 a month if his business warranted it, and after that the fees go into the public treasury. I think the committee on revision has a clear idea of our views, and I move we re-refer it to them to draw up another proposition.
Mr. Winsor: The gentleman from Cochise states the committee has a pretty clear idea of the views of this convention. I have not, and would like to know what they are.
Mr. Ellinwood: I say they can probably bring in a proposition that would suit.
Mr. Cunniff: I would like to say that I as one of the committee that I have not.
Mr. President: All in favor of the motion will answer aye; opposed no. The motion is lost.
Mr. Cunniff: I would submit that that proposition as it stands represents the opinion of the convention to the best knowledge and information of the committee on the day it was passed.
Mr. Winsor: I move the bill be placed on final passage.
Mr. Weinberger: I think that it is a good proposition the way it stands. As a member of the committee on revision I could not improve on it, and I do not believe the other members could.
Mr. Colter: I know it would work a hardship on the justices of the peace in my county, and I would say seven-eights of them do not get $10. a year.
Mr. Jones of Yavapai: I think anybody whose salary did not amount to more than $10 ought to have his office abolished.
Mr. President: Call the roll on final passage.
Roll call showed 44 ayes and 2 nays.
Mr. President: The proposition is passed.

Mr. Cunniff: (reading) Report on committee on style, revision and compilation on Proposition No. 91. There are one or two slight amendments. I move the report of the committee be accepted.

Mr. Parsons: I second the motion.

The motion prevailed.

Mr. Lynch: I move the proposition be indefinitely postponed.

Mr. Ellinwood: I second the motion.

(Speech by Mr. Cobb omitted and sent to him)

Mr. Parsons: May I ask the gentleman a question? What mine is it you have reference to that produces 20,000,000 pounds that would shut down if it had to comply with this requirement?

Mr. Cobb: I do not care to mention the name.

Mr. Tuthill: Mr. President, I am not particularly interested in whether or not it shuts down a company or not, but there is one phase of the question proposed that some members of the convention do not take into consideration at all. Now, in my own town there are at least 1,000 Mexicans employed in the mines, who do not speak English. Some of those men have been in that town for twenty-five years; they have their families there; they have their little homes which they are constantly improving. Should this pass, it will absolutely say to them, "You cannot work." All they know is mining; and I would ask a careful consideration of this problem from that standpoint.

Mr. Connelly: Mr. President, I think one idea that the former speakers have overlooked, is the safety it gives to the rest of the miners compelled to work out the financial part of it. In the mud mill in a smelter in Douglas an accident was caused by some man who did not speak English in starting the mill, and not being able to stop it, or to understand what orders were given him. This is more of a safety appliance than act the United States could pass for the safety of the fellow employees.

Mr. Moeur: I think this is a very good proposition, but I think it should apply where there are, say 91 percent white men working. What difference does it make whether you speak English if you talk good Mexican, and all the men working in that mine speak Mexican? They might be American citizens and entitled to employment. We have sometimes to dig a well around Tempe, and we have to have Mexicans; white men would not do it. I do not think the bill is fair.

Mr. Tuthill: I want to say in answer to the gentleman from Cochise; about a year ago we checked up the percentage of accidents for the last five years, and found that our percentage, as near as we could determine from those of which we could obtain figures, was the lowest in the territory.

Mr. Lynch: I would say in the town of Morenci the conditions are that probably 90 percent of the men who work underground are Mexicans and Italians. They are under the control of shift bosses who also speak Mexican as wellas English. Their whole work is conducted by American people, but the work is done by the Mexicans. There is a great deal of work that no white man will do. I seriously believe this is too drastic, as it means absolutely shutting down the mines of Metcalf and Morenci, and the ruin of the county of Greenlee. I am absolutely opposed to it.

Roll call showed 26 ayes and 19 nays.

Mr. President: The proposition has been indefinitely postponed.

Mr. Cunniff: The convention has now gone over all the matters that the committee on style, revision and compilation has ready.
Mr. President: Gentlemen of the convention, the only proposition is Proposition No. 150 in committee of the whole, If there is no objection the convention will go into a committee of the whole, with the gentleman from Santa Cruz, Mr. Curtis, in the chair.
Mr. Chairman: The committee will come to order. The clerk will read proposition No. 150.
Secretary: (reading) Report of special committee on proposition No. 150.
Mr. Chairman: If there is no objection the first section, it will pass. Any objection to the section 2? What is your further pleasure?
Mr. Jones of Yavapai: Mr. Chairman, I move you that when the committee arises it report to the convention and recommend that Proposition No. 150 as reported by the committee be adopted.
Mr. Colter: Mr. Chairman, I would amend the motion by adding paragraph 3 to the proposition, as follows: "Beneficial use shall be the basis, the measure and the limit of the right to the use of public water, and priority of appropriation for such use shall give the better right except that in times of scarcity a preference shall be given to the following purposes in the order named, viz: domestic, stock water, agricultural, mining and manufacturing purposes.
Mr. Winsor: I second the motion.
Mr. Short: Mr. Chairman, I move to substitute that the committee arise and recommend that this proposition be indefinitely postponed. We have tried to get something here that would suit everybody, but somebody brings in something that we do not want, and I think the best way to settle the matter is to definitely postpone.
Mr. Coker: I second the motion.
Mr. Chairman: Those in favor of the motion of Mr. Short to indefinitely postpone will manifest by saying aye; negative no. The secretary will call the roll.
Roll call showed 8 ayes and 37 nays.
Mr. Chairman: We will now consider the amendment of Mr. Colter.
(Clerk reads).
Mr. Jones of Yavapai: I think that this is a dangerous proposition to go into the constitution, for the simple reason that a man 100 miles away from those farmers might claim that he had a little bunch of cattle or sheep, and stop all those farmers from using that water; therefore, I hope the motion will not prevail.
Mr. Cunniff: I hope this thing will be killed and killed quickly. This is the third time this matter has been before this convention, and it seems to me it is about time we knew our minds.
Mr. Colter: Mr. Chairman, I want to say that we have a good cause to continue along this line. This very amendment I introduced was voted on and carried along this line. This very amendment I introduced was voted on and carried almost unanimously, and it is certainly a very unharmful thing.
Mr. Chairman: Those in favor of the amendment of the gentleman from Apache, Mr. Colter, will manifest by saying aye; opposed no. Call the roll.
Mr. Ingraham: Mr. Chairman, I want to explain my vote. The principles advocated in the Colter amendment are advocated by the most impartial and successful experts

upon irrigation, including government experts, therefore, I vote aye.

Roll call showed 20 ayes and 23 nays.

Mr. Osborn: Mr. Chairman, I move that the committee do now arise and report that it has examined Proposition No. 150 and recommend that it do pass.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

The president resumed the chair.

Mr. President: The chair recognized the gentleman from Santa Cruz, Mr. Curtis.

Mr. Curtis: "Mr. President, your committee of the whole begs leave to report that it has examined proposition No. 150, and respectfully recommends that proposition No. 150 do pass."

Mr. President: Those in favor of adopting the report of the committee answer aye; those opposed no. The ayes have it, so ordered. Shall it have a third reading? Those in favor of that motion answer aye; those opposed no. The ayes have it; so ordered. It will come up tomorrow.

Mr. Parsons: I move that we now adjourn until 10 o'clock tomorrow morning.

Mr. Bolan: I second the motion.

The motion prevailed.

The convention adjourned to 9:30 a. m. December 2, 1910.

JOURNAL, December 2, 1910. 9:30 a.m.

Mr. President: The convention will come to order, and the secretary will call the roll.

Roll call showed quorum present.

Mr. President: The members will please rise for the chaplain's prayer.

Prayer by thechaplain.

Mr. President: The secretary will now read the minutes.

Minutes read and approved.

Mr. President: Reports of standing committees.

Mr. Jones of Maricopa: I have a report.

Secretary: (reading) "Mr. President, your committee on Mr. Ive's communication concerning substitute begs leave to report it has examined Proposition No. 113 and respectfully submits that Section 9 does no injustice to telephone companies.

(Signed)
Sub-committee on Railroads and Public
Service other than Railroads.
F. A. Jones, Chairman.
Fred L. Ingraham."

Mr. President: If there are no objections the report will be laid on the table until Proposition No. 113 comes before the convention for third reading.

Mr. President: Third reading of Propositions.

Secretary: (reading) "Special report of committee on Proposition No. 150 relating to water rights."

Mr. Ingraham: I would like to call the attention of the

legal fraternity to one phrase used in the proposition, "riparian water rights." The common law doctrine of riparian rights, is the correct form, I think, rather than common law doctrine of riparian water rights."
Mr. Jones of Yavapai: The gentleman from Maricopa introduced that and I think he must have understood that it was correct.
Mr. Ingraham: I just wanted to know and called the attention of the legal fraternity to that point.
Mr. Lynch: The riparian water rights is an entirely different right.
Mr. Weinberger: To be exact I think the word "water" should be stricken out, and I suggest that it be eliminated.
Mr. Wood: As a member of that special committee, I would say that we deemed that the word as it is used here can in no way harm the meaning of the sentence and it was decided to leave it there.
Mr. Doe: I think that it is not important enough to cause any dispute as the use of the word can be of no harm whatsoever if it is left in the measure.
Mr. Cunniff: It was referred to the committee on style, revision and compilation, and in our discussion we decided that the use of the words "water rights" was unimportant, but "riparian rights" might mean the fourth right, so the committee decided to leave the word in.
Mr. President: Call the roll on third reading for final passage.
Roll call showed 46 ayes and no nays.
Mr. President: If there are no objections the proposition will be placed on final passage. Those in favor say aye; those opposed nay. The ayes have it. Proposition No. 150 is passed. Is the chairman of the committee on style, revision and compilation ready to report.

Mr. Cunniff: I have a report on Proposition No. 9. "Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 9 and respectfully recommends the appended amendment be adopted; and recommends the appended engrossed form be adopted." Mr. President, I move you the report of the committee be accepted.
Mr. Ellinwood: I second that motion.
The motion prevailed.
Mr. President: If there are no objections the secretary will call the roll on third reading for final passage.
Roll call showed 45 ayes and no nays.
Mr. President: Proposition No. 9 is passed.

Mr. Cunniff: (Reading) "Mr. President, your committee on style revision and compilation begs leave to report it has examined Proposition No. 48 and respectfully recommends the appended amendment be adopted; and recommends the appended engrossed form be adopted." Mr. President: I move you the report of the committee be accepted.

Mr. Bolan: I second that motion.
The motion prevailed.
Mr. Short: After the word "citizens" line 1, Section 1, I move to insert the words "or ward."
Mr. Cunningham: I second that motion.
Mr. Parsons: You should go down and insert the same in line 2.
Mr. Cunniff: I do not think it should be amended by striking out the word "citizen."
Mr. President: Call the roll, secretary.

Roll call showed 29 ayes and 18 nays.
Mr. President: The amendment has been adopted.
Mr. Ingraham: Mr. President, I move as amendment at the point where it speaks of road work. I have not the line before me, but amend it so it will read "street work or other public work." The reason is that especially down near the Colorado River, municipalities, towns or counties find it necessary frequently to do levee work. Labor from the penitentiary has been used on this levee work.
Mr. Short: I second the motion.
Mr. President: You have heard the amendment offered by the gentleman from Yuma, Mr. Ingraham. Those in favor will answer aye; opposed will answer no. The ayes have it, it is so ordered, Call the roll on final passage.
Mr. Lynch: Under the provision of this bill you could not employ a Mexican laborer to cut wood for a school house. I vote no.
Roll call showed 22 ayes and 25 nays.
Mr. President: The Proposition is lost.
Mr. Cunniff: Mr. President, I have turned over these subsequent propositions to the secretary. I think I am needed in my place on the floor. There is a proposition that is of use to the laboring man of this state. I have had no opportunity to speak against the amendment which was first offered and against which I made a fight when the proposition was up on the floor. The proposition is one that was put in the constitution of Utah and other states in the interest of labor, and it is finally lost.
Mr. Lynch: You can under your tax laws--your road law-compel a Mexican to go out and work assessment on the road, but you won't hire him on the road and pay him for it.
Mr. Bolan: I do not think we can force him to go out unless he is a citizen of the United States.
Mr. Wills: I voted "no" on that because we have Indians in our county that have to live as well as anybody else. I would rather have them work than have them stealing.

Secretary: (reading) "Report of committee on style, revision and compilation on Substitute Proposition No. 137, recommending that the word "legislature" be stricken out and the word "laws" inserted." I move that the report of the committee be adopted.

Mr. Feeney: I second the motion.
The motion prevailed.
Mr. Cunniff: I move that the proposition as revised and amended be adopted.
Mr. Feeney: I second the motion.
The motion prevailed.
Mr. Ellinwood: Mr. President, I move to strike out the word "labor."
Mr. Franklin: I do not understand why the word "labor" is put there. As I understand, they do not black list labor; they black list a man for something he has done.
Mr. Ellinwood: That is the reason I move to strike it out. I am opposed to black lists, whether it be labor or anything else.
Mr. Feeney: Mr. President, the object of putting "labor" in there, and the object of writing it into the constitution is to apply to black lists, that is, used against labor, and one of the reasons was that the gentleman of the business association here claimed it would stop the listing of the R.G. Dun lists and the exchange of credit lists between stores.
Mr. Franklin: Mr. President, I have never seen a black list,

but I cannot conceive a possiblity where there could be a black list of labor.
Mr. Cunniff: I move an amendment to the amendment of the gentleman from Cochise, Mr. Ellinwood, that after the word "black list" the words "of working men" be inserted.
Mr. President: I didn't hear a second to Mr. Ellinwood's motion.
Mr. Franklin: I seconded that.
Mr. President: The amendment of the gentleman from Cochise, Mr. Ellinwood, to strike out the word "labor" and the amendment of the gentleman from Yavapai, Mr. Cunniff, to insert the words "of working men". It strikes me that if you will withdraw your amendment we will vote on the other one first. If there are no objections the last amendment will be withdrawn.
Mr. Kingan: Mr. President, I do not know exactly what the word "black list" means.
Mr. President: Mr. Feeney, will you give the gentleman a little light?
Mr. Feeney: Yes, I know what it means. I am on several of them myself. There really should be written in there an amendment referring to the black listing of men of organization, of the labor organizations. The black list is a list exchange between corporations especially, and between labor and the public; listing a man for violating certain ethics of corporations and of labor. It is done for the purpose of preventing their employment.
(Speech by Mr. Short omitted and sant to him)
Mr. Doe: Mr. President, could this term be construed as going further than as explained by Mr. Feeney, or might it be construed as going to the extent of covering a clerk who gives reference to a former employer and the contemplated employer writes to the former employer for information, and that information is unfavorable to the clerk. I have no objection if it is merely such a black list as Mr. Feeney suggests. If it goes further I should have to vote no.
Mr. Feeney: The credit association may exchange information as to their creditors, but I do not believe it has ever been construed as a black list. A black list applies to whether you are a union man or not.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Bolan: Mr. President, quite a few of the gentlemen of this convention have employed men to labor for them. Some of you have had men working for you that did not come up to the requirement that you deemed necessary and you discharged them. A man who will suit one man will probably not suit another. The idea of this black list is just simply to keep one man from injuring a man and keeping him from getting work.
Mr. Ellinwood: Mr. President, take the word "labor." In the mechanics' lien law the word "labor" is always construed to mean manual labor. Now, I am utterly opposed to a black list of any kind against any man, whether he be a laboring man, or our good friend from Maricopa county, the preacher. I think the black list is vicious. I think the word black list is sufficient and it is broad enough to cover anybody. If it prevents men f their labor it is a vicious thing, and I am in favor of this proposition as enunciated by the gentleman from Yavapai.
Mr. Franklin: Mr. President, I am in favor of voting for this if it will accomplish the object which we intend it to accomplish.

(Speech by Mr. Jones of Maricopa omitted and sent to him)

Mr. Feeney: I don't think there should be any hair splitting over this question. Many men who have been blacklisted have been men of families and have been made wanderers on the face of the earth because of thie system of black list.

Mr. President: Gentlemen, the question comes up on the amendment offered by the gentleman from Cochise, Mr. Ellinwood, to strike out the word "labor". Call the roll on striking out the word "labor."

Mr. Ingraham: Mr. President, I would say that the word "labor" was inserted there to meet the demands of those gentlemen who are so afraid that information concerning financial standing of persons would be prohibited by this. It seems to me that the objection that has been made to this term "labor" is quibble. It is a labor blacklist as distinguished from a commercial blacklist.

Mr. President: Call the roll.

Roll call showed 15 ayes and 33 nays.

Mr. President: Gentlemen, it is lost. If there are no further amendments the roll will be called on the final passage.

Mr. Orme: Mr. President, I would like to ask for information. Suppose a man resigns his position, has the company a right to give him a recommendation? Does it prohibit them from giving him a recommendation?

Mr. Feeney: No, absolutely no.

Mr. Orme: Where a man was discharged for drunkenness, incompetency or neglect of duty, does it prohibit the company from exchanging this class of lists?

Mr. Feeney: It never was so construed.

Mr. Ellinwood: This is a proposition that I wanted to vote for, but with this word labor retained, if it means anything, it is the grossest sort of legislation, and I regret exceedingly that I cannot support this proposition.

Mr. President: Call the roll on final passage.

Roll call showed 46 ayes and 3 nays.

Mr. President: The proposition is passed.

Mr. Sims: Mr. President, I wish to move reconsideration of Proposition No. 48. At the time I voted on that proposition I was under the impression that it might impair our constitution in some way, but since looking it up I have changed my mind. As it is in other constitutions I do not see why we should not have it in ours.

Mr. Cunniff: I beg to say that the original proposition was taken word for word from the constitution of Idaho, and provisions of this kind are in the constitutions or laws of most of the states.

Mr. Parsons: This was from Wyoming.

Mr. Cunniff: Well it is in Idaho, too, and It would be a very bad thing if this were killed. It was killed by a very slight margin.

Mr. President: Do you want the roll called? Those in favor of reconsideration will answer aye as their names are called; opposed no. The secretary will call the roll on the motion to reconsider Proposition No. 48.

Roll call showed 25 ayes and 24 nays.

Mr. President: The matter has been reconsidered. What shall you do with Proposition No. 48?

Mr. Ellinwood: I would like to askthe proponents what they would do in the case of a Chinese or Mexican interpreter.

Mr. Parsons: He would not be employed on any public works.

Mr. Ellinwood: That is "employment of any kind."

Mr. Cunniff: I should like to say in answer to the gentleman from Cochise that the people who had such an interpreter would get one who had the intention of becoming a citizen.

Mr. Weinberger: I will say in answer to the gentleman from Cochise, that the interpreter is in attendance on the court under a subpoena, the same as a witness and it makes no difference whatever whether he is a citizen or not.

Mr. Colter: I want an amendment to work Mexicans. Up in Apache county we cannot get our road work done without Mexicans.

(Speech by Mr. Lynch omitted and sentto him)

Mr. Feeney: There are one million American laborers idle today, and I believe if you pay living wages you can always get American laborers to work on public buildings and roads. You can in Cochise county. The gentleman speaks of Wyoming; he does not recall the big coal mines that have hundreds and thousands of foreign workers who are not, and who do not intend to become American citizens.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Lynch: I may not be entirely familiar with what is good grace or good form in casting consistent votes in this convention, but I wish to say this, that it is a peculiar conception of good grace on the part of many men from whose names I would judge that their fathers, as I did, came here in the hold of an emigrant ship a few years ago and carved out their fortunes and built up this nation and made it possible for us to build this constitution for this new state. Would it be good grace to pass a law here that sixty years ago would have made them outcasts.

Mr. Feeney: I suppose that was directed at me, but I would say my father declared his intention to become a United States citizen at the age of 17 years.

Mr. Lynch: And probably voted at that age. (laughter).

Mr. Feeney: Yes, and probably voted at that age. I want those emigrants' children to become Americans and assimilate American freedom and American liberties.

(Speech by Mr. Orme omitted and sent to him)

Mr. Bolan: The sentiment of the gentlemen from Maricopa and Graham counties seems to me that this bill is/to cut out Mexicans. That is not the idea. We have quite a number of Mexican citizens in our county, and I venture to say it is the same in Maricopa and Graham counties. This bill is not intended to prevent them from getting public work. If they want to work they can declare their intention to become citizens. I cannot for the life of me see the ground on which the gentlemen oppose this, and I hope it will pass.

(Speech by Mr. Connelly omitted and sent to him)

Mr. Webb: I desire to explain my vote. I am going to vote no for the reason that there is a question in my mind whether a person who cannot speak a word of English could express his intention to become a citizen. If they could not, this would be unfair, and if they could, this would be inoperative, for the reason that if I wanted to employ 100 Mexicans I would let them declare their intention without their having any idea of becoming citizens.

Mr. Wills: As I believe in equal rights to all, and special privileges to none, I vote no.

Roll call showed 27 ayes and 22 nays.

Mr. President: The proposition is passed.

Mr. Parsons: I move the convention stand at recess until 2 p. m.

Mr. Cunniff: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present. Gentlemen, if there are no objections the convention will stand at ease until the call of the gavel.

RECESS TAKEN

Mr. President: The convention will come to order and the chair will recognize Mr. Cunniff.
Mr. Cunniff: "Mr. President: Your committee on style, revision and compilation begs leave to report that the appended amendments be adopted, and that theamended engrossed form be adopted."

Mr. Ingraham: Mr. President, the atecedent of the first "thereto" in this proposition is the old charter and the antecedent of "therewith" is the new charter. I think this is confusing.
Mr. Cunniff: It will be if that is the case. You keep that in mind and we will make the correction. Mr. President, I move the report of the committee be accepted.
Mr. Parsons: I second that motion.
The motion prevailed.
Mr. President: I move you Mr. President, that all of the matter contained in this Substitute Proposition No. 52 as amended by the committee on style, revision and compilation after Section 1, be stricken out and that a proviso be inserted as follows: "Provided that any city containing now or hereafter a population of more than thirty-five hundred may frame a charter for its own government in such manner and with such powers and limitations as may be prescribed by law," and that in Section 1 on line 4, thereof, the word "ARTICLE" be stricken and the word "constitution" be inserted in lieu thereof. In this the idea of home rule is carried out, which brings it direct to the people."
Mr. Wills: I second the motion.
Mr. President: Those who are in favor of the amendment offered by the gentleman from Maricopa, Mr. Franklin, will say aye; those opposed nay. Call the roll.
(Speech by Mr. Jones omitted and sent to him)
Roll call showed 16 ayes and 31 nays.
Mr. President: The motion is lost. Are there any other amendments?
(Speech by Mr. Kingan omitted and sent to him)
Mr. Cunniff: I should like to move an amendment at that point. We discussed that very thoroughly in the committee, but did not feel authorized to make the change, and I move these words be added "subject to the provisions of this constitution." This is a phrase which would cover any restriction the constitution placed on the laws as then existing or any conditions on the powers of the city, which might be made by the constitution.
Mr. Winsor: Mr. President, carrying out the line of thought suggested by the gentleman from Pima, Mr. Kingan, and to clear up any ambiguity that mayexist in this proposition I move as an amendment to the amendment proposed by the gentleman from Yavapai, Mr. Cunniff, that Section 2 be stricken out, inasmuch as it adds nothing whatever to the

powers of the municipality and will not alter the existing laws in any way.
Mr. Keegan: I second the motion.
Mr. President: You have heard the amendment of the gentleman from Yuma amending the motion of the gentleman from Yavapai. All in favor of striking out Section 2 will answer aye; opposed no. The ayes have it, and the motion is carried. Any other amendments?
Mr. Winsor: On line 25, page 2, I move that the word "the" the next to the last word in the line, be stricken out, and the word "a" inserted. That is to make it conform to the language used in the initiative and referendum.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Ingraham: Mr. President, I move an amendment in line 7, page 3, that the word "therewith" be stricken out, and these words inserted, "with said new charter."
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Cunniff: I move that it be further amended, "and all amendments thereto" be put in brackets.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. President: Are there any other amendments? Hearing none, the secretary will call the roll on the final passage.
Roll call showed 43 ayes and 3 nays.
Mr. President: The proposition is passed.
Mr. Cunniff: Mr. President, the committee on style, revision and compilation is prepared to report on Substitute Proposition No. 22.

"Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 22, and respectfully recommends that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted."

Mr. President: I move that the report of the committee be adopted.
Mr. Tuthill: I second the motion.
The motion prevailed.
Mr. Cunningham: The word "pass" on line 6, page 6, it seems the revised committee has overlooked. I move to substitute "enact" for "pass."
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Jones of Yavapai: I would like to know in Section 7 what the last sentence means. "All fictitious increases of stock or indebtedness shall be void."
Mr. Cunniff: I beg to say that the revision committee in discussing this matter unanimously decided that they did not know what the word "fictitious" meant. I would like some infomation from the authors on this proposition, so it can be properly amended.
Mr. Cunningham: It is usually stated "watered."
Mr. Roberts: I might throw a little light on the meaning by calling attention to a case in Colorado where at a meeting of stockholders of a corporation 300,000 more shares than they were permitted to issue showed up.
Mr. Cunniff: I beg to say our presumption was that "fictitious stock" was stock issued without money received or labor done, and was really an invalid or illegal issuance of stock.
Mr. Ellinwood: The legal definition of the word "fictitious stock" is stock issued without consideration." Just exactly

what Mr. Cunniff said.
Mr. Winsor: In Section 7 (which is section 6 of the original proposition No. 2) I move to amend as follows: Before the word "corporations" which is the first word, insert the word "no". Strike out the letter "s" in "corporations" and strike out the word "not," IN ORDER to make it conform with the other paragraph before and after, to make it read "no corporation shall issue stock."
Mr. Short: I second the motion.
The motion prevailed.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Winsor: Section 16 says: "This article shall not be construed to deny the right of the legislative power to impose other conditions upon corporations other than those herein contained." I move to transpose the sentence to read: "to impose upon corporations other conditions than those herein contained."
Mr. Crutchfield: I second the motion.
The motion failed to pass.
Mr. Cunniff: Mr. President, Section 6, lines 13 and 14 says: "The fictitious increase of stock or indebtedness shall be void." Strike out the sentence "the fictitious increase of stock or indebtedness shall be void," and insert "any increase of stock or indebtedness not in conformity with the provisions of this section shall be void."
The motion failed to pass.
Mr. Jones of Yavapai: Mr. President, I move that in that section after the word "laws" in line 13 the balance of that section be stricken out.
Mr. Cunniff: I second the motion.
The motion failed to pass.
Mr. Franklin: Mr. President. Section 4 as printed reads: "The legislature shall not remit the forfeiture of the charter of any corporation now existing, or amend the same, nor pass any general or special law for the benefit of such corporation other than in execution of a trust created by law or by contract except upon the condition that such corporation shall thereafter hold this charter subject to the provisions of this constitution." As I understand the amendment made by the revision committee, the power there is enlarged and it is made applicable to the legislature and the people.
Mr. Cunniff: Not the power enlarged but the restriction.
(Speech by Mr. Franklin omitted and sent to him)
Mr. Cunningham: I second the motion.
The motion prevailed.
Mr. President: Gentlemen, are there any other amendments to be offered?
(Speech by Mr. Curtis omitted and sent to him)
Mr. Cunniff: I would say that that paragraph simply says that they may cast their votes that way if they so desire.
Mr. Curtis: It says that such directions or managers shall not be elected otherwise.
Mr. Ellinwood: Under the very paragraph itself a stockholder may distribute his votes to each director, or he may accomulate them and vote for one.
Mr. Short: Mr. President, my understanding of this matter is that it is to compel the majority stockholders to cast their votes in this manner in electing officers. If you are going to allow the majority of the number of stockholders to decide this matter it is a sure thing they will not cast it that way. If they want to freeze out some minority stockholders they will vote to cast it

under the old system, but if you compel them to elect officers in this way and no other they will have to run for their money.
Mr. President: If there are no other amendments, call the roll on the final passage. Hearing none, the secretary will call the roll.
Roll call showed 44 ayes and 4 nays.
Mr. President: The proposition is passed.
Mr. Cunniff: Mr. President, the committee is ready to report on Substitute Proposition No. 113, being the corporation commission.

Secretary: (reading) Report of committee on style, revision and compilation on Substitute Proposition No. 113, recommending that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted."

Mr. Cunniff: Mr. President, I move the report of the committee be adopted.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Ingraham: Mr. President, in section 3, line 1, after the word "corporation" I move to insert the words "other than municipal," and in line 8, after the word "corporation" to insert the word "other than municipal." The reason is that it is not at all improbable that cities and towns will operate business that are concerned in this proposition, such as gas, electric lighting, watter supply, etc., and it is not the intention of the committee I think to recommend that the commission shall have control of the municipal corporations of a city.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Franklin: Mr. President, I move you we adjourn.
Mr. Osborn: I second the motion.
The motion failed to pass.

Mr. Cunniff: (reading) " Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 15, and respectfully recommends that the appended engrossed form of said proposition be adopted, and the appended amendments be adopted."

I move the report of the committee be accepted.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. President: Gentlemen of the convention, are there any other amendments to be offered? If not, we will call the roll on final passage.
Mr. Cobb: Mr. President, I move that where the word "three thousand" appears in section 18, it be stricken out, and "thirty-five hundred" be inserted.
Mr. Crutchfield: I second the motion.
The motion failed to pass.
Mr. Ellinwood: Mr. President, I wish to offer an amendment, I have this communication of Mr. Ives. I am not interested in the telephone business, but I move that Section 9 be amended by adding the following words: "Provided further that no corporation engaged in transmitting telephone messages shall be required under the provisions of this section, to transmit any telephone message delivered to it by any other corporation, if such first mentioned corporation operates and maintains a public telephone exchange open and readily accessible to the person from whom such message originated."

Mr. Tovrea: I second the motion.
Mr. President: Are you ready for the question?
(Speech by Mr. Connelly omitted and sent to him)
Mr. Moeur: I hope the amendment offered by Mr. Ellinwood will not pass. We have had the same trouble right here today. We ask the consolidated people to go south of Tempe and Mesa and put in phones, but they refused and the people got out and raised the money themselves. I do not believe in legislating in behalf of the Southern Pacific.
Mr. Standage: Just a word on that subject: When the Overland Line was put in Mesa, they established an office in Mesa and asked for a franchise in Tempe, but by some crook they failed to get that franchise and they cannot put phones in Tempe. I think without the amendment it would be possible for us in the country to talk to Tempe whether they allow us the franchise or not.
Mr. Moeur: I may say the Overland people put in one phone in Tempe, and I have to get up about six times a night and go down and talk over it.
Mr. President: All in favor of the amendment will answer aye; opposed will answer no. The amendment is lost.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Wood: I second the motion.
The motion prevailed.
Mr. President: Any other amendments? If not, we will call the roll on final passage.
Mr. Kingan: Mr. President: I want to say a word explaining my vote on this matter. There are many admirable provisions in this measure. It seems to me that entirely too broad a grant of power is given to the commission. They are given power over all corporations that have the power of eminent domain. Now under the bill of rights that power is exercised by mining companies, irrigation companies, and many companies engaged in private business. To give them that power would be entirely wrong. I therefore vote no, on the entire proposition.
Roll call showed 32 ayes and 8 nays.
Mr. President: The proposition has passed.
Mr. Cunniff: The committee on compilation has two other propositions ready for report if you desire; Substitute No. 15, on education.
(Mr. Jones' speech omitted and sent to him)
Mr. Crutchfield: I second the motion. The lease money should take the same coursethe interest takes, and the interest on the money from the land sold is used for the yearly maintenance, but before the land is sold the lease money is really the interest, and should go for the same purpose.
Mr. Parsons: I desire to call the attention of the gentleman from Yavapai to the fact that the succedding section does not provide that the proceeds from leases shall be used, but that it shall be invested and simply the interest used, and that is what we are entitled to use for the permanent school fund.
Mr. President: All in favor answer aye; all opposed no. The ayes have it.
Mr. Cunniff: Mr. President, I find that in the engrossed copy a whole line has been dropped out in the opening paragraph, through a typewriter's error, and it has been corrected on the engrossed copy.
Mr. Ingraham: I move that in Section 3, lines 22 and 23 the words "a principal of a high school and a county superintendent of schools" be stricken out, and that the words "and two citizen members" be inserted.

Mr. Winsor: I second the motion.
Mr. Ingraham: That follows the objection I made when we first took up the discussion of this two or three days ago, that this board of education is topheavy with educators. We all know that educators are apt to get a little theoretical, and a board of educators having only one citizen member, that is the governor, and if two citizen members can be added in place of these school officials, I believe it will be better.
Mr. Moeur: I never heard of an education proposition getting too much educators. The idea of putting some clodhopper on this board! I object to this amendment.
Mr. Cunniff: I will support it if he will also have two citizen members on the board of medical examination and two citizen members on the board of law examiners, and various other professions, and not otherwise.
Mr. President: Those in favor of the amendment of the gentleman from Yuma will answer aye; opposed no, the motion is lost.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Cunniff: I submit that the crucial word is the word "therefrom" and the word "therefrom refers to the word "sale."
Mr. Jones of Yavapai: Mr. President, I would suggest that the money leased lands is absolutely the same as interest on money loaned out after the sale of the land.
Mr. President: Call the roll on final passage.
Roll call showed 37 ayes and no nays.
Mr. President: The proposition is passed.
Mr. Orme: I move we adjourn to 10 o'clock tomorrow morning. A great many have already left.
Mr. Cunniff: I second the motion.
The motion prevailed.
Convention stood adjourned to 10:00 a. m. December 3, 1910.

JOURNAL, December 3, 1910. 9:30 a. m.

Mr. President: The convention will come to order, and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will please rise for the chaplain's invocation.
Prayer by the chaplain.
Mr. President: The secretary will now read the minutes.
Minutes read and approved.
Mr. President: Reports of standing committees. Gentlemen, the committee on style, revision and compilation will be ready in a few moments to give their report, and while they are finishing their business the convention will stand at ease at the call of the gavel.

RECESS TAKEN

Mr. President: The convention will come to order.

Mr. Cunniff: (reading) "Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 40, that was improperly engrossed and respectfully recommends the appended engrossed form be adopted."

Mr. Cunniff: Mr. President, I move the report of the committee

be adopted.
Mr. Parsons: I second that motion.
The motion prevailed.
Mr. President: The secretary will call the roll on the final passage.
Roll call showed 47 ayes and no nays.
Mr. President: The proposition is passed.

Mr. Cunniff: (reading) "Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 58 and respectfully recommends the appended amendment to be adopted and the appended engrossed form be adopted."

Mr. Cunniff: Mr. President, I move the report of the committee be accepted.
Mr. Parsons: I second that motion.
The motion prevailed.
Mr. President: Are there any amendments to offer?
Mr. Ellinwood: Mr. President, I move the word "five" be stricken out, and the word "ten" be inserted.
Mr. Keegan: I second that motion.
(Speech by Mr. Ellinwood omitted and sent to him)
Mr. Moeur: The statements made by the gentleman from Cochise, Mr. Ellinwood, meet my approval for I think that the sum is now too small and that ten dollars is not one bit too much, and this should be amended to read "ten," in place of "five dollars."
Mr. President: Those in favor of the amendment will please rise. It seems to be unanimous. The amendment is carried. Any other amendments? If there are none the secretary will call the roll on the final passage.
Mr. Cunningham: Mr. President, I move that the word "provides" be changed to "prescribed" in Section 5.
Mr. Cunniff: I second that motion.
The motion prevailed.
Mr. Moeur: In Section 3, I do not believe that the charitable institutions should be relieved from making a report. I think that they should be exempt from taxation or license but not from making a report.
Mr. Ellinwood: I think that the record will say that they must make a report. I think that it is right they should be exempt from taxation but the very reason that you have given here in the discussions of the subject before is sufficient to determine that they should make an annual report.
Mr. Moeur: I move to strike out the word "report."
Mr. Cunningham: I second that motion.
The motion prevailed.
Mr. President: If there are no other amendments the secretary will call the roll on the final passage.
Roll call showed 40 ayes and 7 nays.

Mr. Cunniff: (reading) "Mr. President, Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 106 and respectfully recommends that the appended amendments be adopted and the appended engrossed form be adopted."

Mr. Cunniff: Mr. President, I move the report be accepted.
Mr. Parsons: I second the motion.
Mr. Winsor: The word "auditor" is left out.
Mr. Cunniff: It did not appear in the copy.
Mr. Baker: Mr. President, the word "auditor" should appear

as I took it from the Montana constitution.
Mr. President: The motion will come up on the adoption of the report.
Mr. Moeur: Mr. President, it seems to me that we are allowing too much freedom from taxation in this bill. I am perfectly willing to allow church property to a certain extent to be exempt from taxation, but I am not in favor of exempting Young Men's Christian Associations and Young Women's Christian Associations any more than I would the Odd Fellows, the Masons or the Knights of Pythias. I defy any organization to do any more good to mankind than they do. I make the motion that the Young Men's Christian Association and the Young Women's Christian Association be cut out as being exempt from taxation.
Mr. Cunniff: I ask unanimous consent to write in the words "State Auditors," in Section 11.
Mr. President: If there is no objection the secretary will write in the words "State Auditor." Hearing none, it will be so ordered. The question will come up on the motion to adopt the report of the committee on style, revision and compilation. All those in favor answer aye; opposed no. The ayes have it. Now let us have the amendment of the gentleman from Maricopa, Mr. Moeur, to cut out the Young Men's Christian Association and the Young Women's Christian Associarions.
(Speech by Mr. Parsons omitted and sent to him)
Mr. President: You have heard the amendment as offered by the gentleman from Maricopa, Mr. Moeur. Call the roll. Those in favor of this amendment will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Mr. Crutchfield: Mr. President, I would like to explain my vote, as a member of the Y.M.C.A. We do not propose to run our organization exactly as these other organizations are run. We charge admission to nearly everything we have and we charge good rental for our rooms, and we really do not ask for exemption from taxation and I vote aye.
Mr. Jones of Maricopa: With the explanation of Mr. Crutchfield, I shall vote aye; I would not otherwise.
Mr. President: The amendment prevails.
(Speech by Mr. Doe omitted and sent to him)
Mr. Colter: I second the motion.
Mr. President: Before putting the question, I would like to ask Mr. Doe if a man paying a road tax or poll tax would not be a taxpayer?
Mr. Doe: I do not care to answer that off-hand, but I would ask leave to offer a further amendment inserting before the word "taxpayer", "property taxpayer."
Mr. President: You have heard the amendment of the gentleman from Coconino, Mr. Doe, are you ready for the question?
(Speech by Mr. Cunniff omitted and sent to him)
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Cunniff: Mr. President, then let us have some political logic in this matter, and let us cut out from the initiative and referendum, that on all laws that require the spending of the state money nobody can vote on those initiative and referendum laws unless he is a taxpayer, and nobody can sit in the legislature and vote away the money of the state unless he is a taxpayer.
Mr. Lynch: Mr. President, I do not intend to answer the argument of the gentleman from Yavapai, but there seems to me to be some weaknesses in his logic. My understanding of the principles of democracy is that the people who are to be governed are the people who should cast the vote. In putting a tax upon property the people who are governed

are the people who own the property and they are the people who could vote on the proposition.

Mr. Jones of Maricopa: Mr. President, I am in favor of the proposition that Judge Doe has put in if it can be made practical in its workings. But it has never been made practical in its workings, and I would call the attention of the gentleman to the conditions in Denver when the public corporations had control of that city. A lot of non-taxpayers could put up, say a watch valued at $1.00 and pay a personal tax of ten cents. If this matter can be left to the legislature and can be shaped up in some way where the actual taxpayers would have the voice in it, I would be in favor of it, otherwise I would be in favor of throwing the bars down.

Mr. Jones of Yavapai: Mr. President, I am heartily in accord with the remarks made by Mr. Cunniff. I think we have advanced to the day when this question of a property qualification should be a back number. A man who has a right to vote for a legislature, who really fixes the taxes for all the property in the state, has just as much right to vote in any other tax election, and there is no vote cast in Arizona or any other state, that does not affect directly or indirectly the taxes on property. These gentlemen who say that the actual owner of the property is the man who pays the taxes do not go to the bottom of the question. The man who is the ultimate consumer is the man who pays the taxes. If I rent a house for thirty dollars a month, the man who pays the rent is the man who pays the taxes.

Mr. Baker: Mr. President, let me call the attention of the gentleman to the fact that if the amendment of the gentleman from Yavapai carries we would have a ridiculous provision in the terms of the bill itself. Any ordinary elector would vote for any amount of indebtedness up to 4 per cent, but any amount above that he would drop out and it would require a vote then of the owners of the property.

Mr. Doe: Have not all the counties got 4 per cent of indebtedness already?

Mr. Wood: In answer to the gentleman from Coconino, I would state that there is not a county in the territory that has 4 per cent indebtedness as yet; some of them barely 1 per cent.

(Speech by Mr. Winsor omitted and sent to him)

(Speech by Mr. Parsons omitted and sent to him)

Mr. Doe: My amendment was a majority of the taxpayers.

Mr. Parsons: That in my judgment would change it very little from what we have now, and in having it this way we are at least saved from violating two good democratic principles.

Mr. President: Gentlemen of the convention, the question comes up on the amendment as offered by Mr. Doe of Coconino. Those in favor of the adoption of the amendment will answer aye; those opposed answer no. The secretary will call the roll. Gentlemen, I vote no, because I think two-thirds is nearly equal to a majority, and I cannot see much difference.

Roll call showed 31 ayes and 17 nays.

Mr. President: I will call the attention of the gentleman from Coconino to the fact that his amendment does not fit in the engrossed copy right.

Mr. Doe: It would read "Municipal corporations without the consent of a majority of the property taxpayers therein voting on the election." That would comply with the general territorial law.

Mr. Winsor: Mr. President, I move an amendment as follows: After the word "property taxpayers" as included in the amendment of the gentleman from Coconino, add the words "who must also in all respects be qualified electors."

Mr. Doe: I do not see the necessity for it, but I have no objection to accepting it. I second the motion.

The motion prevailed.

Mr. Wood: I offer an amendment to strike out on page 2, line 16, 17 and 18 the words "all property in the state not exempt under the laws of the United States or under this constitution shall be subject to be ascertained as provided by law," for the reason that in the very first sentence of the proposition it states that the power of taxation shall never be surrendered, suspended or contracted away, which I think covers these three lines.

Mr. Keegan: I second the amendment.

Mr. Cunniff: I think the gentleman from Yavapai makes that motion under a misapprehension. The first sentence says "the power of taxation shall never be surrendered." It seems to methis is an extremely valuable and important sentence the gentleman wishes to strike out, and of a character we were pledged in our platform in Yavapai county to support.

Mr. Ellinwood: I do not approve of exempting or permitting the legislature to exempt railroads from taxation, which is the only class of property which would be exempt under this. If you have this clause in the railroads cannot claim exemption, and I think it should remain.

Mr. Wood: I withdraw my amendment.

Mr. Keegan: I withdraw my second.

Mr. Wood: On page 4, line 22, we have an expression "value of the assessable property," I would like to ask the chairman of the committee on style and revision if that should be "assessable" and not "taxable" as it is used "taxable property" in a former section.

Mr. Cunniff: I should welcome an amendment by the gentleman from Yavapai to change "assessable" to "taxable."

Mr. Wood: I move to strike out the word "assessable" on line 22, page 4, and insert in lieu thereof the word "taxable."

Mr. Cunniff: I second the motion.

Mr. President: All in favor will answer aye; opposed no. The ayes have it, and it is so ordered.

Mr. Wells: I am not certain about the meaning of line 16, page 4, Now the idea intended is that the present indebtedness is to apply to the existing indebtedness at the time of the assessment and that indebtedness shall not exceed 4 per centum.

Mr. Cunniff: We had all sorts of difficulty in the committee on style, revision as to the question of what the meaning of "present indebtedness" was. Various times are referred to in the different propositions, some to the time the proposition was drawn up, and some to the time of the adoption of the constitution, and another time the admission to statehood; and we took this to mean the time of admission to the Union.

Mr. Wells: That hardly covers the question. The time of admission of the state into the Union would be, say, a year from this time. Now twenty years from now that indebtedness would all be paid, and there might be other indebtedness existing at that time.

Mr. Cunniff: Mr. President, it seems to me that the whole line might be stricken out, including "indebtedness."

Mr. Ingraham: I believe the point of the gentleman from Yavapai, Mr. Wells, is well taken. I think the committee on style has misconstrued the meaning of the word "present."
Mr. Cunniff: Between the words "including" and "indebtedness" I move to insert the words "at the time of the admission of the state."
Mr. Parsons: I second the amendment of the gentleman from Yavapai.
Mr. President: If this amendment is adopted, suppose school bonds should be voted between now and admission to the Union?
Mr. Cunniff: The amount of the bonds voted would be under the territorial law at the present time, and at the time of admission they could not exceed the limit of the constitution.
Mr. Goldwater: I would like to ask, suppose we strike out everything from "amount" to "exceeding". Would that be all right?
Mr. Cunniff: It seems to me the point of the gentleman from Yavapai is well taken. I withdraw my motion.
Mr. Goldwater: I move that everything from the word "amount" to the word "exceeding" be stricken out.
Mr. Winsor: I second the motion.
Mr. President: The gentleman from Yavapai, Mr. Cunniff, withdraws his amendment with the consant of his second, and the gentleman from Yavapai, Mr. Goldwater, makes a motion. All in favor of that motion will answer aye; opposed no. The ayes have it. Any other amendments?
Mr. Parsons: On line 4, page 3, at the end of the line where it reads "an accurate statement of the expenditures of public money shall be published annually in such manner as the legislature may prescribe." I move to strike out the "legislature may prescribe," and insert in lieu thereof "shall be prescribed by law."
Mr. Cunningham: I second the motion.
The motion prevailed.
Mr. Winsor: I desire to call attention to Section 11, page 5, lines 13, 14 and 15. I move to strike out the words "the governor, secretary of state, state auditor, attorney-general" and insert in lieu thereof "the chairman of boards of supervisors of the various counties in the state."
Mr. Colter: I second the motion.
(Speech by Mr. Winsor omitted and sent to him)
(Speech by Mr. Ellinwood omitted and sent to him)
Mr. Winsor: I would like to ask the gentleman a question. You state that when the various chairmen of the boards of supervisors enter the meeting of the board of equalization they will be there as the champions of their respective counties with the desire to shirk their share of the taxes, when the duty of this board would be mandatory to equalize the taxes in the different counties. They have got to fix the taxes on all the different classes of property equally and fairly. In what possible way could they shirk?
Mr. Ellinwood: By raising or lowering the various classes of property in the territory the burden would be shifted. You take this area in Maricopa county of agricultural, irrigated land. If that board put up the value of irrigated land, it would also be raised on the irrigated land in Graham and Yuma county, but a county like Mohave would not be affected. Take a tax of $2.00 or $3.00 on a head of sheep, if the board should vote to make that $4.00 or $5.00 a head all the sheep raising counties would be dis-

criminated against as against the other counties.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Colter: I just want to give an illustration. I have been a member of the board of supervisors of Apache county for four years, and there has not been one year we have been able to comply with the territorial boards' instructions, because they did not understand the conditions in Apache county. I think it is a great deal better to have people on this board who understand conditions throughout the territory.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Wood: There seems to be a difference of opinion as to whom should constitute this board, and if conditions should arise that this would not be adequate we would have to change the system, and therefore I move to amend by striking out the whole part between lines 13 and 23, and leave it to the people.
Mr. Keegan: I second the motion.
Mr. Parsons: I rise to a point of order. There are two amendments already.
Mr. Ingraham: I want to call attention to some figures that were produced on the floor of this convention a few days ago by the gentleman from Cochise county, Mr. Ellinwood. He stated he made an investigation at the courthouse in this county or from the officers of this county and they informed him that the taxes in this county were assessed upon the following basis; never less than 20 percent of the actual market value and never more than 30 per cent.
Mr. Ellinwood: It was from 25 percent to 33 1/3 per cent.
(Speech by Mr. Ingraham omitted and sent to him)
(Speech by Mr. Orme omitted and sent to him)
Mr. Ellinwood: I would like to ask a question. I went into the office of the assessor of Maricopa county, Mr. Frank Luke, and I asked him in the presence of his deputy what was the average per cent of valuation, not of the Noble or Fleming Black, or any particular building, and he thought a moment and then said "not less than 25 per cent and never more than 33 1/3 per cent."
Mr. Orme: He wanted to sell you some property. We have farming lands assessed from $500,00 down to $25.00 an acre and our vacant lands wherever there is a title from the government we assess at $2.50 per acre. Yavapai and other northern counties assess them at 40 cents. There is not a single acre of desert lands but pays on a valuation of $2.50, whole in Cochise and other counties they pay on valuation of 40 cents.
Mr. Ingraham: Will the gentleman yield for a question? At what rate did they assess the Pacific Gas and Electric Company?
Mr. Orme: I tried to assess them at the highest price it could be done. You can see from the records that my colleagues would not raise the valuations. I tried to put them at 60 per cent.
Mr. Ingraham: What per cent do they actually pay on?
Mr. Orme: About 33 1/3 per cent, but when a corporation comes in and swears that is all the property they have and you know better, how are you going to get on to them?
Mr. Winsor: Accepting the statements of the gentleman from Maricopa, I think everybody will agree that the chairman of the board of supervisors should be a member of this board to settle the matter equitably.
Mr. Orme: Mr. Chairman, we have had in the last few years meetings of the boards of supervisors throughout the territory. We have come together and discussed county

affairs and that has resulted in much good in making the assessments closer together, and I believe the several chairmen of the boards of supervisors would be better qualified to pass on the equalization of the whole property than anyone else, because each and every section would be represented, and there could be but very little log-rolling. I think it would be the greatest benefit we could confer.
Mr. Crutchfield: I rise to a question of personal privilege. Since our vote on exemptions I had a talk with the treasurer of the local Y.M.C.A. and I am informed that it was the expectation of the Y.M.C.A. that they would be exempt, and that the fees charged are not for profit, but for running expenses. I should like to move a reconsideration of the vote by which we removed the Y.M.C.A. and Y.W.C.A. from the exempted class.
Mr. President: You can make that motion when we meet after adjournment. That would be better. The question is upon the amendment of the gentleman from Cochise, Mr. Parsons, to add the corporation commission to this board. Those in favor will answer aye; opposed answer no. The motion is lost.
Mr. Wood: I move to amend by striking out from line 13 to line 23, on page 5 and leave it to the legislature.
Mr. Roberts: I second the motion.
Mr. Winsor: I certainly hope that amendment will not prevail, as it will leave us under the present system of the board of equalization and is not and never has been in any manner, shape or form satisfactory.
Mr. President: Those in favor of the amendment offered by the gentleman from Yavapai will answer aye; opposed answer no. The motion is lost.
Mr. Cassidy: I will just say briefly I am opposed to the amendment of the gentleman from Yuma for this reason: It would give the small counties just as much power as the large counties, and half a dozen of the small counties whose total assessments does not equal that of Maricopa could combine and vote her down from five to one.
Mr. Winsor: In reply to that I want to say this: I cannot conceive that the owners of farms in Yuma and Graham counties in the territory will have any desire to raise the valuation of farms in Maricopa when it will raise their own proportionately.
Mr. President: Call the roll on the amendment of the gentleman from Yuma.
Roll call showed 26 ayes and 16 nays.
Mr. Parsons: I move we take a recess until 2 o'clock.
Mr. Cunniff: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: Convention will come to order. There is a quorum present. Gentlemen of the convention, the question before the convention is the motion to strike out the Young Men's Christian Associations and the Young Women's Christian Associations.
Mr. Crutchfield: Mr. President and gentlemen of the convention. I would just say that in moving to reconsider this vote--the Young Men's Christian Associations with which I am most familiar have been in California where, the board does not ask for exemption, but proposes to pay its own expenses, charging for its privileges. I find on communication with the local board of the Y.M.C.A.,

here that all their arrangements are made with the expectation that their property will be exempt as all other religious property. And so, because of my statement a number of votes were changed this morning, I feel that it is obligatory upon me to make this motion, and also I believe the Y.M.C.A. of Arizona should be exempt from taxation.

Mr. President: The gentleman from Maricopa, Mr. Crutchfield, moves to reconsider the motion. All those in favor will answer aye; those opposed no. Call the roll.

Roll call showed 19 ayes and 25 nays.

Mr. President: The motion is lost. Any more amendments to the taxation bill?

Mr. Goldwater: Mr. President, in Substitute Proposition No. 106, I move to strike out the entire Section 11, page 5. That is the section that was under consideration when we adjourned. It seems to me that we can wait until the new legislature meets to create a board of equalization. I think the matter is entirely legislative.

(Speech by Mr. Winsor omitted and sent to him)

Mr. Colter: Mr. President, if we had had a clause such as we are trying to get at the present, there would have been saved in Apache county alone enough to pay all the expenses that the gentleman has just spoken about, in the way of getting equalization of taxes, especially with railroad lands and corporation matters.

Mr. Webb: Mr. President, I certainly agree with the remarks of the last speaker and I base my conclusions upon the fact that in the past at least twice that I can recall, the chairman of the boards of supervisors have met in Phoenix when legislatures were in session, for the purpose of consulting together and agreeing on legislation. I have seen them meet here and quarrel for four or five days and adjourn without agreeing on a single thing and I never know them to accomplish a single thing by meeting here.

Mr. Ellinwood: I oppose the personnel of this board this afternoon, but I am in favor of the motion of the gentleman from Yavapai. So far as I know no constitution was ever written that did not provide for a state board of equalization. You have provided for a board of education, and if there is any one board that should be created by the constitution itself it is the board of equalization. Now, in order that the members may get the matter before them in another light, I move a further amendment that after the words "board of equalization" be added "which until otherwise provided by law shall consist of, etc."

Mr. Winsor: I second the motion.

Mr. Ellinwood: Having stated my position, with the consent of my second, I will withdraw my motion with the understanding that if the motion does not prevail I will then move to insert "until otherwise provided by law."

Mr. Winsor: It is satisfactory to me.

Mr. President: The question will come up on the motion of the gentleman from Yavapai, Mr. Goldwater, to strike out Section 11. Call the roll on the motion to strike.

Roll call showed 18 ayes and 29 nays.

Mr. President: The motion is lost.

Mr. Ellinwood: I move you that after the word "equalization" strike out the word "consisting" and insert "which until otherwise provided by law shall consist of, etc."

Mr. Winsor: I second the motion.

The motion prevailed.

(Speech by Mr. Cobb omitted and sent to him)

(Speech by Mr. Lynch omitted and sent to him)

Mr. President: Gentlemen, you have heard the amendment as offered by the gentleman from Graham, Mr. Cobb.
Mr. Cunniff: I would like to ask the gentleman from Graham how this differs from the proposition now before us.
Mr. Cobb: The proposition now as amended by the gentleman from Coconino leaves it to the taxpayers to increase the debt above 4 per cent.
Mr. Cunniff: So does this.
Mr. Cobb: No, this provides that the legislature may do so.
Mr. President: Call the roll. Those in favor will answer aye; those opposed will answer no.
Roll call showed 20 ayes and 27 nays.
Mr. President: The motion is lost.
Mr. Cunningham: Mr. President, I am going to offer an amendment. After the word "state" insert "and the auditor of the state who shall be ex-officio chairman of said board," for the reason that there being fourteen members on the board leave it an even number, and by having the auditor of the state as its ex-officio chairman there would be a head of the board always at the capitol for the purpose of keeping files and papers, and he would have the casting vote in case of a tie.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. President: Are there any other amendments? If not, we will call the roll on the final passage of the bill.
Roll call showed 40 ayes and 7 nays.
Mr. President: Proposition No. 106 is passed. Any other propositions?
Mr. Cunniff: Mr. President, when the report was made yesterday on Substitute Proposition No. 22 it was to be compiled elsehwere, and as that made the record a little incorrect the committee is now reporting on that paragraph in its revised form:

"Mr. President: Your committee on style, revision and compilation begs leave to report it has examined Section 14 on Substitute Proposition No. 22, and respectfully recommends that the appended engrossed form of said section be adopted." Mr. President, I move that the report of the committee be adopted.

Mr. Ingraham: I second the motion.
Mr. President: Call the roll on that Section.
Roll call showed 47 ayes and no nays.
Mr. President: The section is passed.
Mr. Cunniff: The next is No. 40. This is the proposition on counties that was referred to the committee the other day: "Mr. President, Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 40 and respectfully recommends that the appended engrossed form be adopted." Mr. President, I move that the report of the committee be adopted.

Mr. Ingraham: I second the motion.
The motion prevailed.
Mr. Sims: Mr. President, I would like to move an amendment by inserting the following in a new section:

"A county seat may be removed by a majority of the qualified voters of the county voting on the proposition in favor of such removal, and a majority of the votes cast on the proposition may relocate a county seat."

In support of this amendment I simply refer the gentlemen to the every constitution of the United States. All that I have looked over have a similar provision and I think it is important enough that this go in. I think one of the best evidences that it is not a matter for the legislature to handle is our present statutes. This is a matter that affects every county in the territory. It is a matter that will never be settled until it is settled right.

Mr. Tovrea: I second the motion.

Mr. Roberts: Mr. President, this convention has twice cut out this section. This section will just create a four-cornered fight in Cochise county. It applies particularly to Cochise county at this time, and no other county, and this convention has taken decisive action on this. At this time the people are not able to decide what will take place, and I hope that this paragraph will not be inserted in the constitution, as it will endanger the election of our ticket in Cochise county.

Mr. Short: Mr. President, I would offer an amendment to the amendment of the amendment of the gentleman from Cochise as follows: "A proposition of removal shall not be submitted in the same county more than once every four years."

Mr. Sims: I accept the amendment.

Mr. Jones of Yavapai: Does that amendment say qualified electors or qualified tazpayers?

Mr. Sims: Qualified electors.

Mr. Lynch: Mr. President, as I understand the matter, it is simply this: If there is a vote on the county seat removal, and four towns are in the race for the county seat, unless one of these receives a majority vote, it shall not become the county seat, and if in that election there is no majority vote the question is re-submitted to the voters upon the towns receiving the two highest votes. I cannot see anything wrong with that proposition.

Mr. Winsor: Mr. President, I would like to move another amendment to this affect, after the word "removal" insert the following: "in accordance with such provision as may be prescribed by law by a majority of the qualified electors."

Mr. Sims: I accept that amendment.

(Mr. Webb's speech omitted and sent to him)

(Speech of Mr. Cunniff omitted and sent to him)

Mr. Curtis: Mr. President, the Mexican population in Santa Cruz County does not object to the main provision, but the point is in not disfranchising the present voters. We have men there that are fifty or sixty years old that have paid taxes and helped keep our county together before the new generation came, and before I came to the county, and it is a matter of justice and not of policy. They have a right to vote. They have acquired their property.

(Speech by Mr. Winsor omitted and sent to him)

(Speech by Mr. Roberts omitted and sent to him)

Mr. Webb: I want to say to the gentleman from Yuma, Mr. Winsor, that if perchance there be any of this vote left which the democrats there can control they will vote on these questions, we will be persistent enough to see that they are taught. As a question of policy the democratic party is on record on this matter. I was not one of those in the last legislature who did write it, but it was written and written by the democrats.

Mr. Jones of Yavapai: Mr. President, it seems to me that

the object of cutting out this educational qualification is rather inconsistent being that this morning we placed a property qualification on voters who should vote on bond issues. In all other matters with reference to the state we throw the doors wide open.
Mr. Winsor: Let me ask a question. Did the gentleman want this property qualification placed in the constitution this morning?
Mr. Jones of Yavapai: He did not,
Mr. Connelly: I would like a little information on this proposition. Does this constitution bar the legislature from amending and putting in this qualification in the future?
Mr. Cunniff: Not at all.
Mr. Connelly: Then why are we trying to put it in here? It seems to me that it is bad policy to put in an educational qualification now when we cannot use it until after the first legislature meets. I think it is nothing but a legislative action.
Mr. Cobb: I would like to state that the legislature cannot amend the constitution. If this is adopted we will have it in the constitution.
Mr. President: Call the roll.
Roll call showed 20 ayes and 26 nays.
Mr. President: The motion is lost. Call the roll on the final passage of the bill.
Roll call showed 46 ayes and no nays.
Mr. President: The proposition is passed.

Mr. Cunniff: The next is substitute Proposition No. 78, on Public lands: "Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 78, and respectfully recommends that the following engrossed form of said proposition be adopted."

Mr. Cunniff: Mr. President, I move the report of the committee be accepted.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Cunningham: Mr. President, in the latter part of Section 10, line 5, the revision does not quite seem to have gotten the idea of the convention in making the changes they have offered. The proposition originally read "The lessee shall be paid by the lessor the value of the improvements." But that was changed by the revision committee to read "The former lessee shall be paid by the succeeding lessee the value of such improvements."
Mr. Ingraham: Mr. President, the word used in the amendment here is "lessor." Now the lessor, gentlemen, is the state of Arizona, and if the lessee is to be paid the reasonable value of the improvements by the lessor, that means that the state is going to be in the business of buying up these improvements, and we of the committee on style, revision and compilation did not think that the intention of the convention. Of course, if you mean that, we have to sit down.
Mr. Cunningham: I did not quite understand. I think the change is right.
Mr. Cobb: The first eight sections are taken from the enabling act, and that is simply a repetition. The enabling acts are always bound up along with the constitution, and anyone looking up the law on public lands will have to look at both the enabling act and the con-

stitution, and I think Section 10 includes the whole thing. The other constitutions do not seem to copy their enabling act.

Mr. Cunningham: Their enabling acts were not the same kind as this one.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Winsor: I second the motion.

Mr. Cunniff: I should like to say if I had had the pleasure of seeing that amendment earlier, I might have been able to suggest amendments that would result in a measure for which I could vote, but I do not see how I could offer an amendment to such a complicated measure at this short notice. In the first place I think lead should be taken from the first class, and put in the second, but I cannot make that amendment and therefore I shall have to vote against the proposition.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Parsons: Will the gentleman yield to a question? Why do you except the gold, silver and copper? The state would get more out of that than out of all the rest.

(Speech by Mr. Ingraham omitted and sent to him)

Mr. Lynch: Suppose a man purchases this land for farming purposes and has it highly improved. Now the state reserves the oil underneath that ground, oil is discovered and wells are dug every ten or fifteen feet as in California. Would not that ruin the man's farming rights? Does this not create two conflicting estates to the same land, an estate to the surface and an estate to that which lies below the surface?

Mr. Ingraham: If it became necessary to destroy the man's improvements in order to prospect the land, the state would have to buy those improvements. The matter of the conflicting estate could easily be taken care of in the contracts to develop the oil fields.

(Speech by Mr. Cunniff, omitted and sent to him)

Mr. Franklin: I am opposed to the proposition in it's present form. There are two very serious objections. The government of the United States when it disposes of public lands does not pretend to reserve any mineral underlying the public land.

Mr. Ingraham: They do not.

Mr. Franklin: The furthest they go is to reserve the known minerals. If we had such a proposition, as the gentleman from Graham has said, we would have to conflicting estates in the land. One who has practiced in the United States land office knows that there is only one way this could arise on government land, and that is where a town site has been previously occupied as a mineral claim. I was interested very recently in a case covering the town site of Ray, where the mineral claimant had dug holes over every ten or fifteen feet and absolutely destroyed the uses of the land for townsite purposes.. If you have any such provision so there might be conflicting agricultural and mineral rights, it seems to me you would have chaos from start to finish.

Mr. President: Call the roll on the amendment of Mr. Ingraham. All in favor answer aye; opposed no.

Roll call showed 12 ayes and 34 nays.

Mr. President: The motion is lost.

Mr. Jones of Yavapai: I wish to introduce an amendment as another section to the proposition, as follows: "The lands granted to this state under the provisions of the enabling act approved June 20, 1910, shall be selected as provided therein as soon as possible, andin no case shall the selection be delayed longer than two years after the admission of the state into the Union."

Mr. Wood: I second the motion.
Mr. Cunningham: The enabling act says they shall not be selected for five years. I do not see why we should amend the enabling act.
Mr. Jones of Yavapai: I ask the gentleman to point out to me the whereabouts of this provision in the enabling act.
Mr. Parsons: Section 29 of the enabling act says this shall be done according to the rules in the state of Washington, and Idaho, by act of Congress, 28 State 294. Now we would have to have the provisions of that act before we could tell just what these terms are.
Mr. President: All in favor of the amendment of the gentleman from Yavapai answer aye; opposed no. The motion is lost. Call the roll on the final passage of the bill. Those in favor will answer aye; opposed no.
Roll call showed 45 ayes and 5 nays.
Mr. President: The proposition is passed.
Mr. Cunniff: The next is Substitute Proposition No. 21, on suffrage and elections:

"Mr. President, Your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 21 and respectfully recommends that the appended amendments be adopted, and that the appended engrossed form of said proposition be adopted."

Mr. Cunniff: I move the report of the committee be adopted.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Colter: Mr. President, I would like to add an additional section to this proposition, relative to voting on bond issues, etc: "The question concerning bond issues or taxes shall be submitted to the taxpayers of the state or any political subdivision thereof, and on said questions those who possess the qualifications of suffrage shall equally have the right to vote."
Mr. Osborn: I second the motion.
Mr. Winsor: I ask the gentleman to withdraw that motion because I have one which I think will have some effect.
Mr. Colter: I will see what you have.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Keegan: I second the motion.
(Speech by Mr. Winsor omitted and sent to him)
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Webb: I second the motion.
Mr. President: The question will first come up on the amendment of the gentleman from Yuma.
Mr. Cobb: The ruling of the chair heretofore has been that the second motion had precedence in a case of this kind.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Cunniff: I submit the gentleman from Yuma speaks as if we were attempting to do something revolutionary, as if we were attempting to put in the constitution an innovation of a legislative nature. Now, where I grew up it was taken for granted as the ordinary thing as a preparation for qualification that a voter should be able to read and write, and it seems more revolutionary to establish the right of suffrage without the educational

qualification than to put one in.
Mr. Winsor: I should like to call the gentleman's attention to the fact that the ordinary qualification for electors (which to my mind is the only fundamental one) has been stated, and inasmuch as we are forming fundamental organic law, then fundamental law is the only thing that should be enumerated in the constitution.
Mr. Curtis: I came from the same state as the gentleman from Yavapai, but it seems to me we should have a provision that this qualification should not apply to any person who now has the right to vote. I think it would be a mistake to disqualify the Mexican vote for the principal reason very few of the citizens that came in under the Guadalupe Hidalgo Treaty are not here but their sons are here, and they have paid taxes long enough before the majority of the members of this convention came to Arizona.
(Speech of Cunningham omitted and sent to him)
Mr. President: The question comes up on the adoption of Section 2. Those in favor of the motion will say aye; those opposed nay when the roll is called.
Roll call showed 14 ayes and 30 nays.
Mr. President: The motion is lost.
Mr. Wood: I desire to amend Section 2 by inserting in line 11 of the engrossed copy after the word "person" the following words "Possessing the right to vote upon adoption of the constitution."
Mr. Curtis: I second the motion.
Mr. Winsor: I just want to say a few words in opposition to that amendment. You are still constructing legislation, and adopting measures so that the law making power cannot make any regulations as to the qualifications of electors and you are doing just what we are not to do. I say let ue get away from legislating, get away from assuming the rights of a legislative making body, and I think that we should understand by this time that we cannot place such measures in the constitution.
Mr. Parsons: I desire to call the attention of the convention to the fact that the gentleman from Yuma in presenting his amendment called it the affirmative and he has it in the negative. It is check on the right of franchise and to prevent the Mexican people from voting. We are trying to be a little more fair than he has been. Let us not disfranchise these men who have been the pioneers of this land and who sought out an existence here for many years before we came here to disturb them. Now let us not disfranchise him or deprive him of any of the rights that are rightfully and justly his.
Mr. Winsor: I do not say that there should be any restrictions placed upon these electors or their right to vote, I have not taken away their rights in that amendment, but I would like to know how any man can vote intelligently unless he can read the English language.
Mr. Webb: I desire to say that this controversy should end right here, and I think that it would be wise course to defeat the Wood amendment, and accept the amendment offered by the gentleman from Yuma, Mr. Winsor.
Mr. President: Those in favor of the amendment offered by the gentleman from Yavapai, say aye; opposed nay. The secretary will call the roll.
Roll call showed 14 ayes and 28 nays.
Mr. President: The amendment is lost.
Mr. Ellinwood: I have an amendment to offer now and it is entirely within the negative and comes within the comprehension of the gentleman from Yuma. I move that Section 2 be substituted by the law prevailing in Maine

and Massachusetts.
Mr. Webb: Mr. President, the amendment submitted is almost the exact language of the one just voted down, and if the gentleman from Cochise does not know it he did not know what he was voting on.
Mr. Ellinwood: This is in the negative and limits the age of men to over sixty.
Mr. Webb: It is almost identical with the one just voted down.
Mr. President: I would state that the amendment of Mr. Ellinwood states the age limit to be 60 years.
Mr. Winsor: I am very glad that the gentleman from Cochise has taken into consideration my position in framing this amendment, but I agree with the gentleman from Graham it is the exact wording of the amendment we just voted down.
Mr. Ellinwood: I was working upon the word of the gentleman from Greenlee, Mr. Cobb.
Mr. President: Those in favor of the motion of the gentleman from Cochise, Mr. Ellinwood, say aye; those opposed nay, as the roll is called.
Roll call showed 10 ayes and 31 nays.
Mr. President: The motion is lost.
Mr. Cobb: I would just like to say that I feel very much flattered that I should lead the gentleman from Cochise to vote right for once, but he got away from that good influence on that last amendment.
Mr. President: The secretary will call the roll on the final passage.
Mr. Jones of Yavapai: I notice that we have made no provision for an election of a representative to Congress. I move that there be some provision made for the election of a representative.
Mr. Winsor: I second that motion.
The motion prevailed.
Mr. Osborn: Mr. President, the gentleman from Apache offered an amendment that has not been voted upon.
Mr. Colter: I offered an amendment but I do not know whether it is seconded or not. I would like very much to have a vote upon it for I think that it will be very popular.
Mr. Osborn: I second the motion.
Mr. Cunniff: It seems to me that the proposition does not need any argument.
Mr. President: Those in favor of the amendment offered by Mr. Colter say aye; those opposed nay. The motion is lost.
Mr. President: Call the roll on final passage.
Mr. Connelly: I think that the women are entitled to vote for the reason that they are taxed and I am in favor of giving to the women the right of suffrage. I think that they would vote much more wisely than many men, therefore, I move to amend by inserting the following:

"Section 14: Women who are taxpayers and possessed of the qualifications for the right of suffrage required of men by the constitution, shall equally with men have the right to vote."

Mr. Cobb: I second that motion.
Mr. President: I ask the secretary to call the roll on that amendment: Those in favor of the amendment say aye; those opposed nay.
Roll call showed 27 ayes and 18 nays.
Mr. President: The amendment is passed. The gentleman from Apache.

Mr. Colter: This amendment is passed. The gentleman from Apache.

Mr. Colter: This amendment resolves itself into the same thing that the amendment proposed by myself contained.

Mr. Cunniff: I would like to know who proposed that amendment?

Mr. President: The gentleman from Cochise, Mr. Connelly.

Mr. Roberts: I move that section 14 be stricken out.

Mr. Cunningham: I second that motion.

Mr. President: Call the roll on the final passage of the bill.

Roll call showed 21 ayes and 24 nays.

Mr. President: The motion is lost.

Mr. Ellinwood: I move that the proposition be referred to the committee of the whole.

Mr. President: Proposition No. 21 is killed.

Mr. Cunniff: I move you that the committee on suffrage and elections be instructed to furnish a revised copy of the bill just defeated, covering the bill on suffrage and election.

Mr. Winsor: I move that the form as it reads be adopted, without the last amendment.

Mr. Weinbeger: I second that motion.

Mr. Lynch: That bill is knocked out.

Mr. Coker: I move a re-consideration of the vote.

Mr. Cunniff: I accept the amendment.

Mr. President: Those in favor of the motion to re-consider say aye; those opposed nay. The ayes have it.

Mr. Cunningham: I move to strike out the last amendment made by Mr. Connelly.

Mr. Weinberger: I second the motion.

Mr. President: Those in favor of the motion to strike out Section 14 as amended, by Mr. Connelly, say aye; those opposed nay. The ayes have it.

Mr. Ellinwood: I move that the proposition be adopted as it now reads.

Mr. Cunningham: I second that motion.

Mr. President: Those in favor of the motion of Mr. Ellinwood, say aye; those opposed nay. Call the roll.

Roll call showed 35 ayes and 10 nays.

Mr. President: Substitute Proposition No. 21 is adopted.

Mr. Cunniff: I move the convention adjourn until 9:30 o'clock Monday morning.

Mr. Coker: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a. m. December 5, 1910.

JOURNAL, December 5, 1910. 9:30 a. m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will arise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: Gentlemen of the convention, the minutes are not quite ready, so we will have to dispense with the reading of them for awhile. Any communications this morning?

Mr. Chaplain: Mr. Chairman and gentlemen of the convention, if you will permit me to speak for a moment I will be glad

to do so. You have accorded me the privileges of this house ever since I have been here. I have tried to conduct myself as a man ought to in my position and calling. I have never at any time felt that I wanted to rise to personal privielege, but I want to rise to personal privilege this morning. I have in my hand a communication postmarked at Brooklyn, N. Y., November 30, 1910, addressed to "Chaplain Crutchfield, Phoenix, Arizona," and I wish the secretary wouldread this communication to the convention.
Mr. President: Read the communication.
Secretary reads letter from Anne Fisher, Brooklyn, N. Y.
Mr. Cunniff: Mr. President: I move that the letter be submitted to a committee of one consisting of Mr. Connelly.
Mr. Cunningham: I second the motion.
Mr. President : If there are no objections it will be referred to Mr. Connelly with instructions to answer.
Mr. President: I will ask the chairman of the committee on revision if he has anything?

Mr. Cunniff: First will be Substituted Proposition No. 6 on schedule. "Mr. President, your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 8 and respectfully recommends that the appended engrossed form of said proposition be adopted." Mr. President, I move that the report of the committee be adopted.

Mr. Short: I second the motion.
The motion prevailed.
Mr. President: Gentlemen of the convention, are there any amendments?
Mr. Parsons: Mr. President, on page 2, lines 9 and 10, it seems to me an amendment would be in order. "All bonds executed to the territory of Arizona or to any county or municipal corporation, or to any officer of any court" it seems to me right there should be added "within said territory." I would suggest as an amendment that after the word "court" in line 10 the words "within said territory" be added.
Mr. Kingan: Mr. President, it seems to me that this is surpassage.
Mr. Cunningham: Mr. President, I would like to have Section 2 read. I believe there is an omission there but I cannot tell without having it read.
Mr. Wood: If the gentleman from Cochise will turn to the original Proposition No. 8, Section 2, he will find it verbatim.
Mr. Cunningham: It leaves the educational qualification for voters absolutely in force in the territory.
Mr. Cunniff: My recollection is that the revision committee made no change whatever in that section. If there was no change made then it does not provide for any change made in the laws of Arizona by the enabling act, and therefore leaves the educational qualification intact. I think original Proposition No. 8 appears word for word in Section 2 of this proposition as ordered by the committee of the whole.
Mr. President: Any other amendments to be offered?
Mr. Jones of Yavapai: Mr. President, it seems to me that there should be some provision made here whereby judges of the district court should get a salary between the time of the proclamation of the President, admitting Arizona to the Union, and the time superior judges take charge of

the superior court, Therefore, I move that at the end of Section 7 be inserted: "Judges of said courts shall receive the same salary for such time as is now provided by law."

Mr. Cunningham: That would not do. The salaries provided now are partly paid by the United States Government and partly by the Territory of Arizona.

Mr. Jones of Yavapai: I notice in the constitution of North Dakota they provide for paying the state and county officers between the time of the adopting of the constitution and the time that the officers are elected, that their pay shall be the same as provided under the constitution. That also is not provided for in this constitution.

Mr. Kingan: The condition which will exist here is so different from that which has existed in most territories that the amendment it seems to me is entirely unnecessary.

Mr. Cunniff: It seems to me that if we wish to do sound and careful work as the makers of our constitution, we should chink up all these little holes; therefore, I second the motion.

Mr. President: You have heard the amendment of the gentleman from Yavapai, Mr. Jones. Those in favor of this amendment will answer aye; those opposed no. The motion is lost. Are there any other amendments, gentlemen?

Mr. Moeur: I would like to amend line 6 and have "Thomas Jefferson" inserted instead of "Abraham Lincoln."

Mr. Cunniff: I second the motion.

Mr. President: You have heard the amendment offered by the gentleman from Maricopa, Mr. Moeur. Call the roll on the adoption of the amendment.

Roll call showed 18 ayes and 29 nays.

Mr. President: It is lost. If there are no further amendments we will call the roll on the final passage.

Mr. Jones of Yavapai: Mr. President, I wish to offer another amendment, at the end of paragraph 6, insert the following: "and their salaries and compensation from such time as shall be provided for in this constitution.

Mr. Cunniff: I second the motion.

Mr. Winsor: The county officers were provided for by an amendment offered by the gentleman from Maricopa, Mr. Cassidy.

Mr. President: Those in favor of the amendment will answer aye; those opposed will answer no. The motion is lost. If there are no further amendments we will call the roll on the final passage.

(Speech by Mr. Jones omitted and sent to him)

Mr. Cunniff: I should like to say that in my opinion Mr. Jones has done a vary valuable and careful piece of work on these three amendments he has offered, and I think the motion should prevail. I second the motion.

Mr. Kingan: Mr. President, I move an amendment to the amendment offered by the gentleman from Yavapai, Mr. Jones, by inserting "that the superior courts shall open their sessions at 9:00 o'clock in the morning and hold until 5:00 o'clock in the afternoon.

Mr. President: Those in favor of the amendment offered by the gentleman from Pima, Mr. Kingan, will answer aye; opposed no. The motion is lost. It now comes up on the original motion offered by the gentleman from Yavapai, Mr. Jones. Those in favor answer aye; opposed no. Those in favor of the amendment will please rise; opposed will please rise. The motion is lost. Any other amendments? gentlemen? If not, we will call the roll on final

passage.
Roll call showed 47 ayes and no nays.
Mr. President: The proposition is passed.

Mr. Cunniff: The next is substitute No. 54, on Mode of Amending: "Mr. President, your committee on style, revision and compilation begs leave to report it has examined Substitute Proposition No. 54, and respectfully recommends that the appended, engrossed form be adopted."

Mr. President, I move the adoption of the report.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. President: Are there any amendments to be offered? If not, we will call the roll on final passage.
Roll call showed 41 ayes and 6 nays.
Mr. President: The proposition is passed.

Mr. Cunniff: The next is proposition No. 88, on Employer's Liability. "Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 88, and recommends that the appended engrossed form of said proposition be adopted." This has been revised more or less extensively and the phrases changed, especially in the second part. One thing that has been done is that the fellow servant doctrine in the second part has been cut out, because that has been passed in another form." Mr. President, I move the report of the committee be accepted.

Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Cunniff: Mr. President, I move as an amendment that the word "asserted" in the last line be stricken out, and the word "alleged" be inserted in lieu thereof.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
(Speech by Mr. Ellinwood omitted and sent to him)
Mr. Baker: I agree with the gentleman from Cochise, as this is a matter of such importance I think each person should know what he is doing on a vote of this kind. Now as I read it hurriedly, the whole proposition is contradictory and absurd. As I understand the proposition at the present time it absolutely cuts out contributory negligence. There is no suchthing if we pass this, and no such thing as assumption of risk; there could not possibly be.
(Speech by Mr. Cunniff omitted and sent to him)
(Speech by Mr. Baker omitted and sent to him)
(Speech by Mr. Franklin omitted and sent to him)
Mr. Cunniff: I submit that the legal gentleman who have commented on this have shown no ambiguity and their assertion that the court cannot understand it is far fetched and not well taken. I think this proposition was before the committee of the whole where any gentleman was able to move any amendment he desired, and if even now the gentlemen will point out the ambiguity and suggest a word that will cover the ground or which will be more satisfactory to those who are more familiar with the courts, I will welcome such suggestion.
(Speech by Mr. Cunningham omitted and sent to him)
(Speech by Mr. Cunniff omitted and sent to him)
(Speech by Mr. Franklin omitted and sent to him)
Mr. Jones of Yavapai: It seems to me the whole argument against this proposition is on the assumption of risk. As

far as I can read this proposition of contributory negligence is left entirely to the jury, but the matter of assumption of risk is placed upon the employer, as it should be.

Mr. Cunniff: As to the gentleman's statement that it is somewhat doubtful as to what this proposition does, there is no question as to what it does. It does do the very thing that the gentleman seems to doubt it should do. Mr. Roosevelt in his message recommended that the assumption of risk in hazardous occupations should be upon the employer and not upon the employee.

Mr. Baker: Just one word more, simply a repetition. Under this proposition there is no room for contributory negligence; under its terms it absolutely wipes it out. Consequently, the only defense a corporation would have would be to prove that the man committed deliberated suicide.

Mr. Cunniff: I would suggest that the reasoning of the gentleman from Maricopa goes too far, in saying that the man must commit suicide. In a spirit of bravado and daredevilry, a man takes a risk he is not ordered by the corporation to take and warned by his fellow-employees not to take, which risks are not inherent in the nature of the industry. He is ordered not to step off a skip or bucket until it stops, but the man carelessly and deliberately jumps off without ringing the bell or trying to get the bucket stopped at that level.

Mr. Franklin: I move that Section 2 of Proposition No. 88 be stricken out, and that the provision read by the gentleman from Cochise, Mr. Cunningham, from the Oklahoma constitution be inserted in lieu thereof. I am willing to support that, but I cannot support this.

Mr. Baker: I second the motion.

Mr. President: You have heard the motion. Are you ready for the question? Those in favor will answer aye; opposed will answer no. Call the roll.

Roll call showed 26 ayes and 21 nays.

Mr. President: The amendment is carried.

Mr. Baker: Now, Mr. Chairman, I move that the word "wholly" be stricken out of Section 1.

Mr. Colter: I second the motion.

Mr. President: Are you ready for the question? Those in favor will answer aye; opposed no. Call the roll.

Roll call showed 28 ayes and 19 nays.

Mr. President: The amendment is carried.

Mr. Connelly: I would like to ask some legal gentleman if striking out the word "wholly" does not practically kill Section 1?

Mr. Ellinwood: No, negligence is always negligence.

Mr. Cunniff: I should like to offer an amendment as Section 3: "The right of action to recover damages for injuries shall never be abrogated, and the amount recoverable shall never be subject to statutory limitations."

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. President: The secretary will call the roll on final passage.

Mr. Bradner: Mr. President, I would like to know to what the words "accidents to the condition of such industry," in section 1, refer to.

Mr. Cunniff: That is to suit a condition of this kind: If a man riding on a freight car, as brakeman, is struck by lightening, that is not an accident due to the industry; it is simply to cover such matters.

Mr. President: Call the roll on final passage.
Roll call showed 45 ayes and 3 nays.
Mr. President: The proposition is passed.

Mr. Cunniff: The next is Proposition No. 72: "Mr. President, your committee on style, revision and compilation begs leave to report it has examined Proposition No. 72 and respectfully recommends that the appended engrossed form of said proposition be adopted." Mr. President, I move the report of the committee be accepted.

Mr. Parsons: I second the motion.
The motion prevailed.
Mr. President: The question now comes before the convention on the final adoption of Proposition No. 72.
Mr. Connelly: I think that it should be optional with the employee whether he accepts the amount offered by the employer as the amount may be only $1000, which would not be a fair amount and for this reason I offer the following amendment: "Provided that it shall be optional with said employee to settle for such compensation or retain the right to sue said employer as provided by this constitution."
Mr. Ellinwood: I have no objection to that clause because I think Mr. Connelly's amendment covers that question. I have the New York statutes before me. The New York employer must pay a given amount in case of an accident on death and also a certain amount for an injury and it is opitonal with the employee whether he accepts the amount offered by the employer who sues him for compensation.
Mr. Cassidy: It seems to me that this is very timely legislation and that if the state legislatures are taking this up that it surely ought to be provided for in the state constitution.
Mr. President: You have heard the amendment of Mr. Connelly. Are you ready for the question? Those in favor of adopting the amendment say aye; those opposed nay. The motion is carried.
Mr. Cunniff: I should like to say that Proposition No. 72 does not seem to be very favorable or very important and since it is along the line of Proposition 82, but does not contain all the elements, I think that it is unnecessary.
Mr. Ingraham: I move that it be indefinitely postponed.
Mr. Winsor: I second the motion.
Mr. Ellinwood: I can say that this is in effect in the State of New York, and I will also state further that if this is not provided for in the constitution that it will mean the loss of a thousand votes in the Warren district.
Mr. President: The question comes up on the motion to indefinitely postpone Proposition No. 72. Those in favor of the motion say aye; those opposed nay. The nays have it. The question now comes up on the final passage of proposition No. 72 as amended, those in favor of final passage say aye; those opposed nay. The secretary will call the roll.
Roll call showed 39 ayes and 9 nays.
Mr. President: By your vote you have adopted Proposition No. 72.
Mr. Cunniff: The committee on style, revision and compilation is through with all the propositions that have been handed to it with the exception of Proposition No. 103, which was referred to this committee and then after-

wards defeated in the convention. I do not know what to do with it unless I turn it back to the secretary. The committee has not received Memorial No. 1.

Mr. President: The secretary informs me that Memorial No. 1 was handed to the secretary of the territory.

Mr. Coker: I move you that the action taken on the legislative bureau be rescinded and the committee on style, revision and compilation be instructed to report the bill to the convention.

Mr. Cunniff: I second that motion. I move an amendment that the committee on style, revision and compilation be instructed to report, but also be authorized to strike out the provision for "clerks for the legislature," so it will not include that part of the proposition.

Mr. President: That was indefinitely postponed November 25.

Mr. Ingraham: I rise to a point of order.

Mr. President: State the point of order.

Mr. Ingraham: The committee of the whole of the convention took action upon this bill, and it was referred to the committee on style, revision and compilation and as it has not been brought back it is before this body, therefore we should take action upon it.

Mr. Lynch: I do not think that the convention could presume to take action on anything that is in the hands of the committee. It is absolutely dead and let us not resurrect it.

Mr. Goldwater: I would just like to state that this bill was never handed to the committee properly, and we have never had the right to act upon it and it cannot be acted upon until it has been given to the committee properly nor can the committee report it back.

Mr. Cunniff: My colleague is absolutely correct. This proposition is not before the convention as we have not the right to report. This is officially in the box and I herewith hand it back to the secretary.

Mr. President: The chair will rule that the motion of the gentleman from Pinal was out of order.

Mr. Coker: I call for the record.

Mr. Chairman: The record shows that the proposition is not before the house.

Mr. Lynch: I move that the convention take a recess until 2 p. m.

Mr. Coker: I second that motion.

The motion prevailed.

Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present. Gentlemen of the convention, we will fill in the time reading the minutes. If there is no objection the secretary will read the minutes.

Minutes read and approved.

Mr. Osborn: Is there anything to come before the convention this afternoon?

(Speech by Mr. Short omitted and sent to him)

Mr. President: Mr. Short, the chairman of the committee on education is not here. I do not know whether he will be here this afternoon or not.

(Speech by Mr. Short omitted and sent to him)

Mr. President: You can bring it up as chairman of the committee on printing and clerks.

Mr. Short: In that case then I would like to offer this

as a proposition.
Mr. President: If there is no objection, it will be accepted. Hearing none, it will be sent up.
Mr. Jones of Yavapai: Mr. President, I move the convention stand adjourned until 7:30 o'clock this evening.
Mr. President: There is a proposition coming in, Mr. Jones. I would like to ask the chairman of the printing committee when we will get these propositions.
Mr. Short: I called on the printer just before I came over, and he said he would make every effort to get us a number of these articles for consideration at 7:30 o'clock this evening.
Mr. President: I would like to ask the chairman of the printing committee, will you see the secretary of the territory, and find out of the constitutions that are to be printed will be sent out of the office of the secretary, and will they be franked?
(Speech by Mr. Short omitted and sent to him)
Mr. President: If there is no objection the proposition will be read as introduced.
Secretary: (reading) "Proposition No. 151 introduced by Mr. Short:
Mr. Cunningham: I move the rules be suspended and we have it read a second time.
Mr. Short: I second the motion.
The motion prevailed.
Secretary: (reading) Second reading of Proposition No. 151.
Mr. Goldwater: Mr. President, I move that the rules be suspended and it be placed on final passage and referred to the committee on style, revision and compilation.
Mr. Short: I second the motion.
The motion prevailed.
Secretary: (reading) "Third reading of Proposition."
Mr. President: Third reading of the propositions. Those in favor of adopting the proposition will answer aye; those opposed will answer no, as their names are called. Secretary will call the roll.
Roll call showed 37 ayes and no nays.
Mr. President: The proposition is passed. Gentlemen of the convention, are there any other matters that you have in mind that we have overlooked?
Mr. Cunniff: I move that we stand at recess subject to the call of the gavel.
Mr. Bradner: I second the motion.
The motion prevailed.

RECESS TAKEN

Mr. President: The convention will come to order. The gentleman from Yavapai, Mr. Cunniff, will give a report.

Mr. Cunniff: "Mr. President, your committee on style, revision and compilation begs leave to report it has examined Proposition No. 151 and respectfully recommends that the appended engrossed form be adopted." Mr. President, I move the report of the committee be accepted.

Mr. Moeur: I second the motion.
The motion prevailed.
Mr. President: If there are no amendments the secretary will call the roll on the final passage.
Roll call showed 44 ayes and no nays.
Mr. President: Gentlemen, this is all the business. I think that we had better take into consideration the fact

that there will be a night session.
Mr. Tuthill: There is a report of a standing committee on the desk.
Mr. President: The secretary will read the report.

Secretary: (reading) "Report of committee on militia and public defense on Resolution No. 14, recommending it pass."

Mr. Short: I move it be amended to read 500 years instead of 5 years.
Mr. Moeur: I second the motion.
The motion prevailed.
Mr. Short: I move it be deferred until my colleague is present.
Mr. Feeney: I move we take a recess until 7:30 p. m.
Mr. Franklin: I second the motion.
The motion prevailed.
Convention stood at recess until 7:30 p. m.

NIGHT SESSION.

Mr. President: The convention will come to order and the secretary will call the roll.
Roll call showed quorum present.
Mr. President: Reports of standing committees?

Mr. Short: "Mr. President: Your printing committee begs leave to report the printing and return of sixteen pages of the Constitution as prepared by the revision committee."

Mr. President: Is the chairman of the committee on election ordinance here?
Mr. Ingraham, have you a report to make?
Mr. Ingraham: Yes sir. I will hand it to the secretary.
Secretary: (reading) "Report on Proposition No. 153, Introduced by the Special Committee on Election Ordinance."

Mr. President: The first reading of Proposition No.153. What is your pleasure, gentlemen? A motion to suspend the rules is in order.
Mr. Osborn: I move the rules be suspended and the proposition read a second time by title only and referred to the committee of the whole.
Mr. Roberts: I second the motion.
The motion prevailed.
Secretary: Second reading of Proposition No. 153.
Mr. President: Second reading of the proposition. It will come up before the committee of the whole.
Mr. Crutchfield: I should like to have a reconsideration of the vote by which the Y.M.C.A. and Y.W.C.A. were stricken from the list of taxation exemptions, for the reason that I voted under a misapprehension. Since studying the subject over I have determined that they should be exempted since they are dependent upon the public for support and are institutions which are very beneficial and helpful in many instances and that fact I do not believe any member will deny. I have also learned that they use all the money left over from building their various institutions to construct buildings other cities in Arizona, and I believe that it is right that we should exempt them from taxation the same as other institutions that have been exempted. Therefore, I should like to have a reconsideration.
Mr. Jones of Yavapai: I wish to state that I also voted

under a misapprehension in that matter. I have since learned that the facts stated are true and if it is reconsidered I suggest an amendment to that part of the clause. I second the motion.

Mr. President: I would suggest, Mr. Crutchfield, that when that part of the constitution comes up that you can then make the amendment.

Mr. Crutchfield: I made the motion tonight so that I would not lose my right as it is one day after the Sabbath.

Mr. Kingan: I understand that there has already been a motion made to reconsider.

Mr. Ellinwood: I think Dr. Moeur made a motion to reconsider. This is not the day following the time the bill was considered, is it?

Mr. Crutchfield: It was on Saturday and this is Monday.

Mr. Jones of Maricopa: I think that a motion to reconsider is in order, as this is the next day for business following Saturday.

Mr. Cunniff: Mr. President, in the interest of fairness and justice on the part of the members of this convention I think that the Y.M.C.A. and Y.W.C.A. should be exempt and I hope that this motion will prevail.

Mr. President: Those in favor of the motion to reconsider will say aye; those opposed no, when the roll is called. The secretary will call the roll.

Roll call showed 31 ayes and 10 nays.

Mr.President: The motion is carried.

Mr. Crutchfield: I think that the motion of Dr. Moeur was that this section be approved as it was before the amendment was made to strike out the Y.M.C.A. and Y.W.C.A.

Mr. Weinberger: I think that amendment could be made when that part of the constitution is read.

Mr. Cunniff: I think that the correction should be made before it goes to the printer, and I make that as a motion.

Mr. Short: I second that motion.

Mr. Osborn: Was that not made by Dr. Moeur the other day?

Mr. Crutchfield: I withdraw my motion.

Mr. President: The chairman of the committee on compilation has it in his bill and I think that they could make the correction.

Mr. Osborn: I have an amendment to offer if it is before the house.

Mr. Cunniff: I rise to a point of order. I do not think there can be any amendments made now.

Mr. President: When it comes before the committee of the whole it can be amended. Gentlemen, if there are no objections the convention will resolve itself into the committee of the whole.

Mr. Winsor: What shape will you leave this matter in?

NIGHT SESSION.

Mr. Ellinwood: The motion has been made to strike out the words "Y.M.C.A. and Y.W.C.A." and the question is before the house, shall it be stricken out?

Mr. Winsor: That is what I think.

Mr. President: Gentlemen, the question comes up on the motion of Dr. Moeur to strike out the words "Y.M.C.A. and Y.W.C.A." Those in favor say aye; opposed no. The motion to strike out is lost. If there are no objections the convention will go into committee of the whole.

Mr. Cunniff: May I ask for the members absent?

Secretary: There are seventeen absent.
Mr. Cunniff; I move a call of the house.
Mr. Short: I second the motion.
The motion prevailed.
Mr. President: The secretary will call the roll.
Roll call showed all present or excused except Messrs. Cobb, Morgan, Orme and Standage.
Mr. Winsor: I move the call of the house be suspended.
Mr. Lynch: I second the motion.
The motion prevailed.
Mr. President: What is your pleasure, gentlemen? If there are no objections the convention will now resolve itself into the committee of the whole and the chair will call on the gentleman from Yavapai, Mr. Goldwater, to take the chair.(applause.)
Mr. Chairman: The committee of the whole will come to order. The question before the committee is the consideration of the Constitution of the State of Arizona which will be read by the Secretary.
Mr. Winsor: I move that it be read section by section and those sections to which there are no objections be considered adopted.
Mr. Short: I second that motion.
The motion prevailed.
Mr. Chairman: Read the Constitution, Mr. Secretary,
Secretary: (reading) Preamble.
Mr. Chairman: If there are no objections the preamble of the constitution will be adopted.
Secretary: (reading) Boundaries.
Mr. Chairman: Any objections? The boundaries of the State of Arizona are adopted. I would ask if that is not an error in the leaving out of the word "Article" before each part of the Constitution.
Mr. Cunniff: It is an error and I move that the word "Article" be inserted.
Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Chairman: Any objections to Article 1? Article 1 is adopted by the committee of the whole. Read the next.
Secretary: (reading) Article 2.
Mr. Feeney: I move that the words "frequent recurrence" be changed to "constant adherence."
Mr. Osborn: I second that motion.
The motion failed to pass.
Mr. Chairman: No objections, Section 1 is adopted. Read Section 2.
Secretary: (reading) Section 2.
Mr. Ingraham: In the last line, I move to insert the word "common."
Mr. Feeney: I second that motion.
Mr. Ingraham: You will notice in the third and fourth lines below you speak of "common good."
The motion failed to pass.
Mr. Chairman: Read Section 3.
Secretary: (reading) Section 3.
Mr. Chairman: Read Section 4.
Secretary: (reading) Section 4.
Mr. Chairman: Any objections? It is passed. Read Section 5.
Secretary: (reading) Section 5.
Mr. Ingraham: I move the word "common" be stricken out and the word "individual" be inserted.
Mr. Chairman: There being no second the secretary will read the next section.

Secretary: (reading) Section 6.

Mr. Chairman: Section 6 is passed. Read Section 7.

Secretary: (reading) Section 7.

Mr. Chairman: Section 7 is adopted. Read the next.

Secretary: (reading) Section 8.

Mr. Chairman: Section 8 is passed. Read Section 9.

Secretary: (reading) Section 9.

Mr. Chairman: Section 9 is adopted. Read Section 10.

Secretary: (reading) Section 10.

Mr. Ellinwood: I suggest that this is in conflict with the Constitution of the United States.

Mr. Chairman: Do you desire to amend?

Mr. Ellinwood: I do not know how.

Mr. Chairman: If there are no amendments the section will be adopted and the secretary will read Section 11.

Mr. Kingan: I think this should be amended by inserting the word "to" and the word "the" be stricken out.

Mr. Ingraham: I second the motion.

Mr. Cunniff: The gentleman is quite correct and I am in favor of the amendment.

Mr. Chairman: It has been moved and seconded that the word "to" be stricken out. Are you ready for the question? All in favor answer aye; contrary-minded no. The ayes have it, and it is so ordered. Read Section 11.

Secretary: (reading) Section 11.

Mr. Chairman: If there are no objections or amendments to that section the secretary will read Section 12.

Secretary: (reading) Section 12.

Mr. Chairman: If there are no amendments or objections to that Section, the secretary will read Section 13.

Secretary: (reading) Section 13.

Mr. Chairman: There being no amendments or objections, read Section 14.

(Secretary reading) Section 14.

Mr. Chairman: There being no objections, read Section 15.

Secretary: (reading) Section 15.

Mr. Chairman: If there are no amendments or objections, the secretary will read Section 16.

Secretary: (reading) Section 16.

Mr. Chairman: There being no amendments or objections, the secretary will read Section 17.

Secretary: (reading) Section 17.

Mr. Cunningham: Mr. Chairman, on the second line of the fifth page, I move to strike out the word "judicial" and after the word "question" insert the words "of fact." these questions should be tried by jury and the fact established.

Mr. Kingan: Mr. Chairman, I do not think that is the meaning of this section. It reads "Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as to such without regard to any legislative assertion that the use is public," meaning that it shall be a question for the court and not a question for the legislature or the law-making body. I think that to be the meaning of the sentence, and that it is a judicial question if it is to be determined by the court, and a jury could be called for as a matter of right. That is for the court to determine.

Mr. Baker: I am satisfied that the gentleman from Cochise is wrong in his interpretation of the matter, and the gentleman from Pima is right. This intends that the court shall determine the question, and that the legislature shall not prescribe what is or what is not a public use.

A great many legislatures go ahead and prescribe that a certain thing is a public use. Now the intent is to say that it is a judicial question; that is, the court shall determine.

Mr. Crutchfield: I trust the amendment will not prevail. The language is of precedent; it has been tried for years, and passed upon, and it is the exact wording of the Constitution of Washington bill of rights, and I trust it will stand just as it is.

Mr. Chairman: All in favor of the amendment of the gentleman from Cochise will answer aye; contrary-minded no. The motion is lost.

Mr. Roberts: About the middle of paragraph 17, page 4, the words "No right of way shall be appropriated to the use of any corporation other than municipal." I move that the words "other than municipal" be stricken out. I do not see why a municipal corporation should be allowed to take ground to widen an alley. It should not pay for the same.

Mr. Feeney: I second the motion.

Mr. Crutchfield: While this is language of precedent, I believe it should be stricken out.

(Speech by Mr. Ingraham omitted and sent to him)

(Speech by Mr. Ellinwood omitted and sent to him)

(Speech by Mr. Franklin omitted and sent to him)

Mr. Chairman: Are you ready for the question? All in favor answer aye; contrary-minded no. Call the roll.

Roll call showed 11 ayes and 32 nays.

Mr. Chairman: The motion is lost. Are there any objections or amendments to Section 17; if not the secretary will read Section 18.

Secretary: (reading) Section 18.

Mr. Chairman: Are there any objections or amendments to Section 18? If not, read Section 19.

Secretary: (reading) Section 19.

Mr. Chairman: Are there any amendments to Section 19?

Mr. Weinberger: I want to ask as a matter of information: Have we any laws against illegal rebating?

Mr. Jones of Maricopa: The corporation commission proposition makes it illegal to give or take rebates, and prescribes a penalty.

Mr. Chairman: Any amendments or objections to Section 19? If not read Section 20.

Secretary: (reading) Section 20.

Mr. Chairman: If there are no objections or amendments, read Section 21.

Secretary: (reading) Section 21.

Mr. Chairman: If there are no objections or amendments, read Section 22.

Secretary: (reading) Section 22.

Mr. Chairman: If there are no objections or amendments, read Section 23.

Secretary: (reading) Section 23.

Mr. Ingraham: Mr. Chairman, there is an error in the last line on page 5. I think the word "any" should be stricken out, and "a" be inserted in lieu thereof, and the word "of" be stricken out. I would make a motion to that effect.

Mr. Feeney: I second the motion.

The motion prevailed.

Mr. Chairman: Are there any other objections to Section 23? If not, read Section 24.

Secretary: (reading) Section 24.

Mr. Chairman: If there are no amendments or objections to

Section 24, read Section 25.
Secretary: (reading) Section 25.
Mr. Franklin: Mr. Chairman, on the second line of Section 25, reading "law impairing the obligation of contracts" I would move to strike out the word "contracts" and insert "contract" and after the word "of" insert the word "a".
Mr. Webb: I second the motion.
The motion prevailed.
Mr. Cunningham: Mr. Chairman, the last word in that paragraph, in order to make it conform to other changes that have been made by the revision committee, the word "passed" should be changed to "enacted."
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Chairman: Read Section 26, if there are no objections or further amendments to Section 25.
Secretary: (reading) Section 26.
Mr. Chairman: If there are no amendments to Section 26, read Section 27.
Secretary: (reading) Section 27.
Mr. Cunningham: The word "soldiers" in line 2, Section 27, should be "soldier". I move to strike out the letter "s".
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Chairman: Read Section 28.
Secretary: (reading) Section 28.
Mr. Chairman: If there are no amendments read Section 29.
Secretary: (reading) Section 29.
Mr. Chairman: If there are no amendments, read Section 30.
Secretary: (reading) Section 30.
Mr. Chairman: If there are no amendments read Section 31.
Mr. Cunniff: Mr. Chairman, I move that the following proposition, being proposition No. 50 as revised and adopted by the convention be inserted here as Section 31. This is a matter of compilation, and it might as well be inserted. "No law shall be enacted by this state regulating the amount of damages for causing the death or injury of any person."
Mr. Weinberger: I second the motion.
The motion prevailed.
Mr. Cunniff: I move necessarily that Section 31 in the printed copy be changed to Section 32, and Section 32 to Section 33.
Mr. Chairman: If there is no objection, it will be done without any other order. Read Section 32 (31 of the printed copy)
Secretary: (reading) Section 32.
Mr. Chairman: If there are no objections or amendments, the clerk will read Section 33 (32 of the printed copy)
Secretary: (reading) Section 33.
Mr. Chairman: Gentlemen of the convention, Article 2 as amended has been read. Are there any objections or amendments?
Mr. Baker: I offer the following amendment to be inserted as Section 34, as follows: "Every citizen of the State shall be free to obtain employment wherever possible and any person, corporation or agent thereof maliciously interferring and hindering in any way any citizen from obtaining or enjoying employment already obtained from any other corporation or person, shall be guilty of a misdemeanor."
Mr. Cunniff: I do not think that is necessary. This is

one of those broad sweeping statements on which all kinds of court interpretations can be made, and all sorts of oppression carried on under the color of a proposition of this kind; though I should say as far as my own interpretation of it goes; it does not mean anything of that kind.
Mr. Webb: I second the motion of the gentleman from Maricopa.
Mr. Baker: I just want to say I have heard a great deal about protection of labor and workmen in this convention, Here is a proposition that will aid you. It is from the constitution of North Dakota.
Mr. Feeney: I feel in the propositions already passed we have all the protection we need, and I oppose this.
Mr. Connelly: I would like to ask the gentleman from Maricopa if that would cut out picketing.
Mr. Baker: I am not able to answer that.
Mr. Connelly: I am not in favor of this proposition for the reason that it is nothing more nor less than a strike against the workmen, because you can always prove a thing of this kind against the men, while you cannot prove it against a corporation. Mr. Cooper has given you the recipe for a "rabbit-pie", but you must first catch the rabbit. It would be impossible to "catch the rabbit" on the corporation.
Mr. Ingraham: Mr. Chairman, I hope this measure will not prevail. The labor delegates in this convention have asked that a number of measures be passed, and the convention has seen fit to refuse those requests in a majority of instances. I hope that when they come asking bread, this convention will not give them a stone.
Mr. Cunniff: Mr. Chairman, I hope the convention will not throw the stone at them.
Mr. Chairman: As many as are in favor of this amendment will answer aye as their names are called; contrary-minded answer no. The secretary will call the roll.
Roll call showed 13 ayes and 28 nays.
Mr. Chairman: The motion is lost. Are there any other objections or amendments?
Mr. Cunniff: Mr. Chairman, I ask permission to revert to Section 22. I move that those two commas toward the end of the section, one after "offenses", and one after "evident" be stricken out.
Mr. Chairman: If there are no objections, the two commas in Section 22 will be stricken out. Are there any other amendments to Article 2? If not, it will be considered adopted by the committee of the whole. The secretary will read Article 3, Section 1.
Secretary: (reading) Article 3.
Mr. Chairman: Are there any objections or amendments? If not, it will stand approved by the committee of the whole. Read Article 4, Section 1.
Secretary: (reading) Section 1, paragraph 1.
Mr. Chairman: I would like to ask the chairman of the committee on style, revision and compilation if he intends to have this all one section.
Mr. Cunniff: Yes, that is all one section.
Mr. Chairman: If there are no objections, read paragraph 2.
Secretary: (reading) Paragraph 2.
Mr. Webb: I move that the word "in" be changed to "is."
Mr. Chairman: If there is no objection, the change will be made. Hearing no objections or amendments to paragraph 2, read paragraph 3.

Secretary: (reading) Paragraph 3.

Mr. Chairman: Are there any objections or amendments? If not, the secretary will read paragraph 4.

Secretary: (reading) Paragraph 4.

Mr. Cunniff: Mr. Chairman, on the fifth line on page 9, before the word "appropriations" at the end of the line, I move that the words "to provide" be inserted.

Mr. Ingraham: I second the motion.

The motion prevailed.

Mr. Chairman: Read paragraph 5.

Secretary: (reading) Paragraph 5.

Mr. Chairman: Any objections or amendments to Paragraph 5? If not, read paragraph 6.

Secretary: (reading) Paragraph 6.

Mr. Chairman: Any objections or amendments to paragraph 6? If not, read paragraph 7.

Secretary: (reading) Paragraph 7.

Mr. Chairman: Any objections to or amendments to paragraph 7? If not, read paragraph 8.

Secretary: (reading) Paragraph 8.

Mr. Cunniff: Mr. Chairman, at the end of line 2, on page 11, I move that the word "order" be stricken out, and the word "propose" be inserted. That makes the attitude toward the referendum parallel with everything else in the measure. The committee inadvertently failed to change that.

Mr. Wood: I second the motion.

The motion prevailed.

Mr. Chairman: Read paragraph 9.

Mr. Cassidy: Mr. Chairman, I made the amendment inserting that paragraph, and it was the intention to make that a portion of the preceding paragraph, and not a separate paragraph. It is very closely connected with the preceding paragraph, and I move it be made a part of the preceding paragraph.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Chairman: Read paragraph 9.

Secretary: (reading) Paragraph 9.

Mr. Chairman: If there are no objections, read paragraph 10.

Secretary: (reading) Paragraph 10.

Mr. Chairman: If there are no objections, read paragraph 11.

Secretary: (reading) Paragraph 11.

Mr. Chairman: If there are no objections, read paragraph 12.

Secretary: (reading) Paragraph 12.

Mr. Chairman: If there are no objections, read 13.

Secretary: (reading) Paragraph 13.

Mr. Chairman: If there are no objections, the clerk will read paragraph 14.

Secretary: (reading) Paragraph 14.

Mr. Chairman: If there are no objections, read paragraph 15.

Secretary: (reading) Paragraph 15.

Mr. Chairman: If there are no objections, the clerk will read paragraph 16.

Secretary: (reading) Paragraph 16.

Mr. Chairman: Are there any objections or amendments to Article 4?

Mr. Cunningham: Mr. Chairman, I suggest, though this is more for the compilation committee, that these various paragraphs of this section 1, ought to be lettered so as to distinguish them in case of reference to them hereafter. This is such a long section it might be distinguished by the letters of the alphabet.

Mr. Cunniff: The style, revision committee will try to work out some such scheme. It can be lettered, but there was a purpose in having it all one section.

Mr. Chairman: Are there any other amendments to Article 4. If not, it will be approved by the committee of the whole. Read Article 5.

Secretary: (reading) Section 1, Article 5.

Mr. Chairman: Are there any objections or amendments?

Mr. Cobb: Mr. Chairman, I wish to offer the following amendment: "Provided that all future apportionment of representatives amongst the several counties shall be based on population as determined by the United States Census Office."

Mr. Webb: It seems to me this has been thrashed out by the convention. It seems illogical to place a restriction on future legislatures and say they shall do what in our wisdom we have not done. We have taken the vote cast. Now, for us to say future legislatures shall take the population is certainly illogical and ought not to be adopted. There is one thing I want to say and that is I admire the gentleman from Greenlee for his persistent efforts, and I hope a time will come when he will acknowledge he is mistaken.

Mr. Coker: I second the motion of the gentleman from Greenlee, and I question the word "wisdom" as used by the gentleman from Graham, Mr. Webb.

Mr. Chairman: You have heard the motion. Are you ready for the question?

Mr. Ingraham: Mr. Chairman, I would like to say that in the great growth and change of the territory of Arizona, after the census had gotten about 8 or 9 years old it would not be a very good guide for an apportionment.

Mr. Cobb: That would be fortunate for Yuma county.

Mr. Ingraham: We will have to stand by the vote, I think. We will always have elections, and can determine from the elections what the probable population is, but we cannot tell from a census that is nine years old.

Mr. Roberts: Mr. Chairman, I would like to offer an amendment to provide that aliens and wards shall not be considered in the apportionment.

Mr. Chairman: The question is on the amendment offered by the gentleman from Greenlee, Mr. Cobb. Those in favor will answer aye; those opposed no. The motion is lost.

Mr. Coker: Mr. Chairman, I move that the figures "35" in line 2 of Section 1 be changed to "39"; that the figure "6" in line 8 be changed to "7"; that the figure "2" in line 8 be changed to "3", and that the figure "1" in line 11 be changed to "2". Pinal county will read 1 and 2; Pima will read 2 and 4; Maricopa will read 2 and 7; Greenlee 1 and 3.

Mr. Chairman: Do I hear a second?

Mr. Cobb: I second it.

Mr. Weinberger: Mr. Chairman, I move to amend that the section be approved as read.

Mr. Webb: I second the motion.

Mr. Chairman: That motion is not in order. If you vote this down you can bring up the other. All in favor of the motion of the gentleman from Pinal will say aye; contrary-minded no. The motion is lost.

Mr. Osborn: Mr. Chairman, I have been trying to make an amendment here for some time. I do not imagine that there is any use of making this amendment, but I am going to move that in line 2 the figures "35" be changed to read "36" that in line 9 after the words "Maricopa county" the figure "6" be changed to "7".

Mr. Cobb: I second it.
(Speech by Mr. Osborn omitted and sent to him)
Mr. Short: Mr. Chairman, I think it is a very inopportune time for the member from Maricopa to bring up this question, because there are three members from the Maricopa delegation not here, so the chances are he will not get six votes. I am very much pleased, however, to hear him say that this is his last appeal.
Mr. Weinberger: Mr. Chairman, I want to ask the gentleman from Maricopa what he means by "throwing the hooks" into Maricopa.
Mr. Osborn: I got that from the Arizona Republican.
Mr. Cobb: Mr. Chairman, it means just exactly what the legislative committee threw into Greenlee county.
Mr. Chairman: Are you ready for the question? All those in favor of the motion will say aye; contrary-minded no. The motion is lost. If there are no other objections to Section 1 it will be adopted. Read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: Are there any objections to this section? Read Section 3.
Secretary: (reading) Section 3.
Mr. Chairman: If there are no objections, read Section 4.
Secretary: (reading) Section 4.
Mr. Chairman: If there are no objections, read Section 5.
Secretary: (reading) Section 5.
Mr. Chairman: Section 5. Are there any objections or any amendments? Read Section 6.
Secretary: (reading) Section 6.
Mr. Chairman: Read Section 7.
Secretary: (reading) Section 7.
Mr. Chairman: Read section 8.
Secretary: (reading) Section 8.
Mr. Chairman: Read Section 9.
Secretary: (reading) Section 9.
Mr. Chairman: Read Section 10.
Secretary: (reading) Section10.
Mr. Chairman: (read Section 11)
Secretary: (reading) Section 11.
Mr. Chairman: Read Section 12.

Mr. Cunniff: Mr. Chairman, I would like to say a little about Section 12. Some matter was inserted in the proof as sent to the printer. I have the official matter here. This change should not have been made in that place but should have been offered here in the convention, but I have all the record here and the secretary can read it as it appeared in the engrossed copy. It read not by sections, but in full, and it seemed there was a misunderstanding about an amendment that had been offered. I make this explanation so that the convention may have a full understanding of the situation.
Mr. Chairman: Does the chair understand the chairman of the committee to say that the printed section as we now have it is not as the engrossed bill?
Mr. Cunniff: We made these changes in the copy that went to the printer.
Mr. Chairman: The secretary read the section as it is engrossed.
Secretary: (reading) Section 12.
Mr. Cunniff: Mr. Chairman, I move that the matter as printed be adopted rather than as read in the engrossed copy.
Mr. Wood: I second the motion.

Mr. Chairman: Your motion is that the printed section be recommended by the committee of the whole. Before that motion is put the chair would like to ask for a little information. I notice that this reads here that every bill on its final passage shall be taken by ayes and nays. I do not think you mean that for that is not customary. It is customary in the legislature that a joint resolution shall not only be passed by a roll call but also go to the governor, for his signature, but the resolution the way you have it here does not require the signature of the governor.

Mr. Cunniff: That simply follows the copy of the bill as adopted by the convention.

Mr. Chairman: I know the custom in all legislative bodies is that ordinary resolutions do not require the governor's signature. It does not even have to have a roll call unless somebody demands it; but a joint resolution that requires the action of both houses is a different proposition and requires the governor's signature the same as a bill.

Mr. Short: I move you that the word "joint" be inserted before "resolutions".

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Cunniff: I would ask if the question has been put to adopt the section with the insertion of the word "joint."

Mr. Ellinwood: Mr. Chairman, it occurs to me that the language of line 2 is susceptible of two constructions. "Every bill shall be read by sections on three different days unless in case of emergency two-thirds of either house deem it expedient to dispense with the rule."

Mr. Cunniff: Does the gentleman offer an amendment to insert "each" instead of "either?"

Mr. Ellinwood: Then it would have to be a concurrence. Certainly the vote of one house ought not to control the vote of the other.

Mr. Cunniff: I think the phrasing as it is covers the ground.

Mr. Franklin: Mr. Chairman, as I understand this phraseology, if a bill is before the House of Representatives and they wish to dispense with the reading of the bill, under this provision it will require two-thirds of the house of representatives. If it applies to a bill in the Senate it will require a vote of two-thirds of the senate.

Mr. Chairman: It is moved and seconded that Section 12 as amended be recommended for adoption. All in favor of this motion say aye; contrary-minded no. The ayes have it, so ordered. Read Section 13.

Secretary: (reading) Section 13.

Mr. Chairman: Read Section 14.

Secretary: (reading) Section 14.

Mr. Chairman: Is there any place in the constitution where it provides that the enacting clause shall be?

Mr. Cunniff: Yes.

Mr. Chairman: Read Section 15.

Secretary: (reading) Section 15.

Mr. Chairman: Read Section 16.

Secretary: (reading) Section 16.

Mr. Chairman: This is all there is of the Article as printed.

Mr. Hunt: I move that the committee of the whole now arise and report progress and ask leave to sit again.

Mr. Cunniff: I second the motion.

Mr. Ingraham: Mr. Chairman, if you will pardon me just a moment. I would like to ask the extent to which Section 14 goes. It says: "No act shall be revised or amended by mere reference to the title, but the act as amended shall be set forth and published at full length." Do I understand that if it was the desire of the legislature to amend a single word or a single line in a long act like the judiciary act, that they would then have to republish the entire act? It seems to me those are dangerous words.

Mr. Chairman: It is moved and seconded that the committee do now arise and report progress and ask leave to sit again. All those in favor of the motion say aye; contrary-minded no. The ayes have it; so ordered.

The President resumed the chair.

Mr. Goldwater: "Mr. President, your committee of the whole begs leave to report that it has considered the Constitution of the State of Arizona and begs leave to report progress and asks to sit again."

Mr. President: You have heard the report of the committee of the whole. Those in favor of the adoption of the report will say aye; those opposed no. The ayes have it; so ordered.

Mr. Cunniff: I move we adjourn until 9:30 o'clock tomorrow morning.

Mr. Feeney: I second that motion.

The motion prevailed.

Convention stood at recess to 9:30 a. m. December 6, 1910.

JOURNAL, December 6, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

Mr. President: The convention will arise while the chaplain offers prayer.

Prayer by the chaplain.

Mr. President: Gentlemen of the convention, the minutes are not quite ready, so we will have to dispense with the reading of them for awhile. Is there anything else? The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

Mr. Goldwater: Mr. President, I move that the rules be suspended, and that part of the constitution which has been adopted by the committee of the whole be taken up section by section.

Mr. Moore: I second the motion.

Mr. Cunniff: I move to amend by saying article by article.

Mr. Goldwater: I accept the amendment.

Mr. President: You have heard the motion. Those in favor of suspending the rules and considering the Constitution article by article, will answer aye; those opposed will answer no. The ayes have it; so ordered. The secretary will now read the Preamble of the Constitution.

Secretary: (reading) Preamble.

Mr. President: Gentlemen of the convention, we are about to adopt the Preamble to our Constitution. Those in favor of the adoption of this Preamble will answer aye as their names are called; those opposed will answer no. The secretary will call the roll on the final adoption of this Preamble.

Roll call showed 46 ayes and no nays.

Mr. President: Gentlemen of the convention, the preamble has been adopted by this convention. The secretary will read Article 1.

Secretary: (reading) Article 1, State Boundaries.

Mr. President: It comes up on the adopting of Article 1 of the constitution. Those in favor of the adoption of this Article will answer aye as their names are called; opposed will answer no. The secretary will call the roll.

Roll call showed 48 ayes and 1 nay.

Mr. President: Gentlemen of the convention, Article 1 has been adopted by this convention as part of this Constitution. The next is Article 11- Declaration of Rights.

Secretary: (reading) Article 11, Declaration of Rights.

Mr. President: Gentlemen, it will come up on the adoption of Article 11, Declaration of Rights. Those in favor of its adoption will answer aye as their names are called; opposed will answer no. The secretary will call the roll.

Mr. Cooper: Mr. President, I desire to say in explanation of my vote, - and I also speak for the Pima delegation, - that with the exception of a very very few sections in this article we are heartily in favor of the Declaration of Rights, but having had no opportunity to participate in the discussion of those sections, I am compelled to vote no.

Roll call showed 42 ayes and 7 nays.

Mr. President: Gentlemen of the convention, Article 11, Declaration of Rights has been adopted. Next will be Article 111, Distribution of Powers. The secretary will read.

Secretary: (reading) Article 111, Distribution of Powers.

Mr.President: Gentlemen of the convention, it comes up on the adoption of the Article 111, Distribution of Powers. Those in favor of the adoption of this Article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll on Article 111.

Roll call showed 41 ayes and 6 nays.

Mr. President: Gentlemen of the convention, Article 111 has been adopted in this constitution. Secretary will read Article 1V, Legislative Department.

Mr. Cunniff: Mr. President, the committee on style, revision and compilation has agreed on several amendments in this article in the numbering of the paragraphs, punctuation, etc. In the last section of this article, beginning, "The legislature shall provide a penalty for any violation, etc." I move to amend by changing "this" to "the preceding," and that that paragraph be made section 2.

Mr. Short: I second the motion.

The motion prevailed.

Mr. President: The secretary will proceed to read Article IV.

Secretary: (reading) Article lV, Initiative and Referendum.

Mr. Cunniff: The next paragraph will be the last one. The previous one is Section 2.

Mr. President: The committee on compilation can fix that up. Gentlemen, the question now comes up on the adoption of Article No. 4. Those in favor of adoption of Article 4, the Initiative and Referendum of the constitution, will answer aye; those opposed nay, as the secretary calls the roll.

Roll call showed 42 ayes and 8 nays.

Mr. President: Gentlemen of the convention the Article No. 4 has been adopted. If there are no objections the first part of the constitution of the state of Arizona will be referred to the committee on compilation and will be enrolled. I would suggest to the committee that they enroll seven copies. Article No. 5 is not finished and we will wait for the complete article before consideration.
Mr. Cassidy: Mr. President, I have an amendment for Section 14 of the next Article.
Mr. President: As this Article is not complete you had better wait until it comes up for adoption.
Mr. Standage: I rise to a question of personal privilege. In view of the fact that my absence from this convention last night was much deplored and censured, I beg to receive pardon with this box of cigars, and I hope you will enjoy them as much as I did my absence from the convention last night.
Mr. President: Gentlemen of the convention we have one proposition to come before the committee of the whole this morning. First are there any resolutions to be offered this morning? Mr. Goldwater did you desire to offer a resolution?
Mr. Goldwater: Yes sir, I have the resolution. The secretary may read it.
Mr. President: The secretary will read the Resolution of Mr. Goldwater.

(Secretary: (reading) Resolution No. 18. "Resolved, that the secretary of the territory be and he is hereby authorized and requested to have printed as soon as possible in pamphlet form (following as nearly as may be practicable the form of Pub. Doc. No. 219, being the enabling act), fifth thousand copies of the constitution adopted by this convention.

"As soon as printed the secretary of the territory shall forward to each member of this convention one hundred copies of said printed constitution; one copy to the name and address of each person as shown by the last great register of each county. Every copy so mailed shall have printed on its wrapper the words "constitution of Arizona" and "if not delivered in ten days postmaster please deliver to anyone desiring same;" one copy to be mailed to each senator and congressman, one copy to the secretary of each state, one copy to each library or other organization,- financial, commercial, labor, agricultural, and religious as may ask for the same and the remaining copies shall be reserved by the secretary to be distributed as he may deem best.

"There shall also be furnished for each member of this convention one copy printed on book or parchment paper bound in leather, with his name and address.

The Secretary of the Territory is hereby authorized and directed to expend from the appropriation made in Sec. 35 of the enabling act, approved June 20, 1910, such sums of money as may be necessary to carry into effect the provisions of the resolution."

Mr. President: Gentlemen you have heard the resolution of Mr. Goldwater, what is your pleasure?
Mr. Franklin: I would suggest as an amendment that copies be furnished the newspapers.
Mr. President: I would suggest, gentlemen, that those copies be bound in parchments. If there are no objections the amendment will be inserted in the resolution. The

The question now comes up on the adoption of the resolution.
Mr. Goldwater: I move that the resolution be adopted.
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Wood: Mr. President, I thought that you might like to have a report from the committee on finances and expenses and we have prepared a report.

Secretary: (reading) "Phoenix, Arizona, December 5, 1910.
Mr. President: Your committee on finance, accounts and expense, begs leave to submit the following report:

Amount paid out by Secretary Geo. U. Young to date account of election expenses, Convention expenses, etc.	$45,950.00
Estimated convention expenses from Dec. 3rd to end of sixty day period.	2,000.00
Accounts in dispute and sent to Washington for audit and approval, approximately	6,000.00
Total to close of Convention	$53,950.00
Balance remaining of the $100,000 appropriation, and out of which there is one election expense to be paid, viz- that on the adoption of the constitution.	$46,049.93
Total as per appropriation.	$100,000.00

Respectfully submitted,
H. R. Wood,
Chairman."

Mr. Wood: I move the report be accepted.
Mr. Jones: I second the motion.
The motion prevailed.
Mr. President: Gentlemen, there is one proposition to come before the committee of the whole, that is Proposition No. 152. If there are no objections the convention will now resolve itself into the committee of the whole and the gentleman from Cochise, Mr. Sims, will occupy the chair.
Mr. Chairman: The committee of the whole will come to order and the secretary will read Proposition No. 152, which now is before the Convention.
Secretary: (reading) Proposition 152, relative to an election to provide for the ratification or rejection of the constitution of the State of Arizona.
Mr. Cunningham: There is an error in the date.
Mr. Chairman: Gentlemen, you have heard the reading of the Proposition. What is your pleasure in the matter? The error will be corrected by the secretary, if there are no objections. It is so ordered.
Mr. Winsor: I move that when the committee arises it recommend that Proposition No. 152 do pass as amended, and that it further recommend the appointment by the president of a select committee to fill the blank in proposition 152 for the date of the election.
Mr. Short: I second that motion.
Mr. Cunniff: Mr. Chairman, as far as I could judge from the reading of that proposition it is too long and I believe that if the committee on style and revision could get together, the proposition could be cut down and be just as accurate and cover the same grounds, or at least all

the necessary ground it now covers.
Mr. Chairman: Those in favor of the motion of Mr. Winsor, that when the committee arises it recommend the adoption of the proposition as amended, with the addition or insertion of authorization to the president, to appoint a select committee to fill in the blank date. Those in favor of the motion will say aye; those opposed nay. The ayes have it, and it is so ordered.
Mr. Hunt: I move that the committee now arise and report progress.
Mr. Weinberger: I second that motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order and Mr. Sims of Cochise will report the progress of the committee of the whole.

Mr. Sims: "Mr. President: Your committee of the whole begs leave to report it has had under consideration Proposition No. 152 and respectfully recommends that it be adopted as amended." I move the report be adopted.

Mr. Roberts: I second the motion.
The motion prevailed.
Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood, and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the blanks as to the date of the election provided for in Proposition No. 152. Gentlemen, I have here a communication which I would like to have read. The secretary will read the communication.
Secretary reads letter from Henry F. Ashurst of Prescott, Arizona.
Mr. Goldwater: I have a resolution ready.
Mr. President: Secretary read the Resolution.

Secretary: (reading) Resolution No. 19. "Resolved: That the printing committee be and is hereby directed and authorized to have the constitution as tentatively adopted, printed at once, at the lowest price obtainable. Such arrangements it may make to be approved of by George U. Young, Secretary of Arizona."

Mr. Winsor: I move that the Resolution be adopted.
Mr. Short: I second the motion.
The motion prevailed.
Mr. Jones of Yavapai: I move the convention stand at recess until 2 p. m.
Mr. Cunniff: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. We will have the minutes of yesterday read.
Mr. Sims: I move that we dispense with the reading of the minutes.
Mr. Lynch: I second the motion.
The motion prevailed.
Mr. President: Now, gentlemen of the convention, if there are no objections, we will go into a committee of the whole to consider the constitution section by section. We will now resolve ourselves into the committee of the whole.

The gentleman from Yavapai, Mr. Goldwater, in the chair.
Mr. Chairman: The committee will come to order. Gentlemen of the committee, we have before us the constitution as printed, and if there is no objection the secretary will commence reading at the place we left off at the last session of this committee, being Section 17, on page 16.
Secretary: (reading) Section 17.
Mr. Chairman: If there is no objection, read Section 18.
Secretary: (reading) Section 18.
Mr. Chairman: If there is no objection that section will be passed. Read Section 19.
Secretary: (reading) Section 19.
Mr. Moeur: I understand from this the legislature cannot regulate the interest on money, and it will have to stay as it is.
Mr. Chairman: That says any special law. They can pass a general law changing the legal rate of interest whenever they desire. If there are no objections the section will be considered approved by the committee. Read Section 20.
Secretary: (reading) Section 20.
Mr. Chairman: If there are no amendments, read Section 21.
Secretary: (reading) Section 21.
Mr. Chairman: If there are no amendments, read Section 22.
Secretary: (reading) Section 22.
Mr. Chairman: If there are no objections, read Section 23.
Secretary: (reading) Section 23.
Mr. Cunniff: I move to insert the word "enact" in place of the word "pass" on the last line.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Jones of Yavapai: I wish to submit an amendment to Section 24. The secretary will read it.

Secretary: (reading) "Section 24. The enacting clause of every law shall be as follows: 'Be it enacted by the legislature of the State of Arizona;' or when the initiative is used, 'Be it enacted by the people of the State of Arizona.' "

Mr. Winsor: I second the motion.
The motion prevailed.
Mr. Cunniff: I move that after the words "every law" in the first line, the words "enacted by the legislature," shall be added.
Mr. Hunt: I second the motion.
The motion prevailed.
Mr. Weinberger: I notice Section 21 states. "The members of the first legislature shall hold office until January 1, 1913," and the other provision states until the first Monday in January. I think we ought to have these phrases consistent, and I move to strike out "January 1, 1913," and insert the words "the first Monday in January, 1913."
Mr. Cassidy: I second the motion.
The motion prevailed.
Mr. Cunniff: I move an amendment in Section 19 by inserting the words "or the people under the initiative and referendum" and that the word "pass" be made "enact."
Mr. Winsor: Mr. Chairman, I move an amendment which I think perhaps the gentleman from Yavapai will accept, that the section be made to read as follows: "No local or special law shall be enacted in any of the following cases, that is to say."
Mr. Cunniff: I am a little in doubt as this occurs in an

article on the legislature, and I think it would be safer to follow the other phrase "The legislature or the people under the initiative and referendum." It seems to me this is an important matter. I will amend to strike out from my motion the words "and referendum."
Mr. Short: I fail to understand why we should restrict a majority of the people in the event a case should arise where it would be necessary to adopt a special law, by a majority of the people. It seems to me if we restrict the legislature it will be sufficient.
Mr. Jones of Yavapai: The people to enact a special law would only have to amend the constitution.
Mr. Cunniff: The argument of the gentleman from Yuma, Mr. Short, would apply equally well to the legislature in all the states which have this sort of provision regarding special laws, which should not be passed in a civilized or organized community. It would be unsafe, infirm and unstable form of government if this were allowed.
Mr. Chairman: All in favor will answer aye; contrary-minded no. The secretary will call the roll.
Mr. Cunniff: I am sorry this was not attended to until the last minute. If the delegates had given more attention to it, they would have voted differently.
Mr. Chairman: I would suggest to the gentleman from Yavapai that the lamp is still burning.
Roll call showed 17 ayes and 33 nays.
Mr. Chairman: Gentlemen, the motion is lost. Now the question comes up on the motion of the gentleman from Yavapai, to strike out the word "pass" and insert "enact." Are you ready for the question? All in favor answer aye; contrary-minded no. The ayes have it, and it is so ordered.
Mr. Winsor: Mr. Chairman, I move to amend Section 19 to read as follows: "No local or special laws shall be enacted in any of the following cases:"
Mr. Osborn: I second the motion.
Mr. Short: I will submit that this is exactly the same proposition we voted upon just now, in different language, and the result would be exactly the same as though we had passed Mr. Cunniff's amendment.
Mr. Ellinwood: This seems a very necessary thing. As I understand it, constitutions are made for the protection of the minority, and whether it be by the initiative or by the legislature, there certainly ought to be restrictions by which special laws could not be made, for instance, in punishing crimes, or punishing misdemeanors. This seems very essential.
Mr. Short: I would like to ask the gentleman from Cochise if the constitution is not amendable by a majority vote, the same as is required to pass a law? I do not see where we are doing anything definite by saying the people cannot pass a law.
Mr. Ellinwood: I have no fear of the constitution ever being amended by a special law.
Mr. Cunniff: It seems to me that the gentleman from Yuma is laboring under a misapprehension, and the gentleman from Cochise has stated the matter fairly, clearly and intelligently.
Mr. Morgan: I am glad the gentleman from Cochise is a stickler for the minority, and I ask him to yield to a question. In the exemption of church property where does the minority come in?
Mr. Chairman: The question comes up on the amendment of

the gentleman from Yuma. All in favor answer aye; contrary-minded no. The ayes have it, and it is so ordered. Are there any other amendments?
Mr. Cassidy: I wish to make an amendment to Section 14, after the word "act" in the first line of Section 14 insert the words "or section thereof", and after the word "act" in the second line insert the words "or section."
Mr. Cunniff: I second the motion.
Mr. Winsor: Mr. Chairman: I do not quite understand that motion. I do not believe sections of an act could be referred to by title. I believe this means just what it says, and I am in favor of leaving it just as it is.
Mr Franklin: It seems to me the remarks of the gentleman from Yuma are correct. The very purpose of Section 14 is to give you the law, and if there is any change in the law to give you the changes, so you see the intent of the changes. If we allow a section to be referred to only, we would have no ida what the law is, as it is to be amended. It seems to me this ought not to prevail.
Mr. Cassidy: It seems to me if this section is allowed to stand as now, it would cause a great deal of trouble. The legislature will no doubt in the future, as it has in the past, enacted laws on certain subjects that will cover many, many pages, perhaps 20, and if you want to change a single word in any section, then you have to reprint the whole act, which seems to me is entirely unnecessary. It would do no harm, but would do no good.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Cassidy: I wish to make a little change in order to obviate the objections made by the gentleman from Yuma, by inserting after the word "title" in line 2, the words "of such act"; this would make the whole section read as follows: "No act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length."
Mr. Chairman: Gentlemen, you have heard the amendment of the gentleman from Maricopa. All in favor will answer aye; contrary-minded no. The ayes seem to have it. All those in favor of the motion will please stand, and remain until counted. The motion is carried and the section so amended. Are there any other objections or amendments to be offered to the article? If not the article will be considered as adopted by the committee of the whole. The secretary will read the next article, being Article V, Executive Department.
Secretary: (reading) Section 1, Article V, Executive Department.
Mr. Chairman: Section 1. Are there any objections or amendments? If not the secretary will read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: Section 2: Are there any objections or amendments? If not, read Section 3.
Secretary: (reading) Section 3.
Mr. Chairman: Section 3: If there are no objections or amendments, read Section 4.
Secretary; (reading) Section 4.
Mr. Chairman: Section 4: If there are no objections, read Section 5.
Secretary: (reading) Section 5.
Mr. Chairman: Section 6.
Secretary: (reading) Section 6.
Mr. Chairman: If there are no objections to Section 6, read Section 7.

Secretary: (reading) Section 7.
Mr. Chairman: Section 7. Are there any objections or amendments?
Mr. Winsor: I want to ask unanimous consent to refer back to Section 15 of the legislative department, page 16. I move to amend Section 15 on page 16, by adding at the end thereof the words "in open session."
Mr. Cunniff: I second the motion.
Mr. Chairman: I would like to call your attention to the word "padded" and "pass" in that same section.
Mr. Winsor: And strike out the word "pass" and "passed" inserting therefor the words "enact" and "enacted."
Mr. Cunniff: I do not think it is necessary to make that change there.
Mr. Winsor: No, inasmuch as it refers to a bill.
Mr. Chairman: It is moved and seconded that in Section 15 on page 16, the section be amended by adding the words "in open session". Those in favor of the motion say aye, contrary-minded no. The ayes have it, so ordered, Read Section 8.
Mr. Ellinwood: Mr. Chairman, on page 21, the last paragraph, I do not understand it clearly. "If any bill be not returned within five days after it shall have been presented to the Governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the legislature by its final adjourment prevents its return, etc." This is conflicting in my mind.
Mr. Weinberger: I think this reference here refers to the 90-day clause.
Mr. Ellinwood: What becomes of a bill that is presented to the governor and he does not return it within ten days. Does it mean a veto or does it become a law?
Mr. Chairman: The secretary will read Section 8.
Secretary: (reading) Section 8.
Mr. Chairman: Section 9.
Secretary: (reading) Section 9.
Mr. Chairman: If there is no objection, read Section 10.
Secretary: (reading) Section 10.
Mr. Chairman: If there is no objection, read Section 11.
Secretary: (reading) Section 11.
Mr. Chairman: If there is no objection, read Section 12.
Secretary: (reading) Section 12.
Mr. Chairman: If there is no objection, read Section 13.
Secretary: (reading) Section 13.
Mr. Chairman: Gentlemen, what will you do with Article V, Executive, as read? Are there any objections or amendments?
Mr. Standage: Mr. Chairman, I would like to amend Section 1, in the fourth line. Change the word "two, to "four", so that the officers will hold their term for four years instead of two.
Mr. Osborn: I second the motion.
Mr. Standage: I think it would save expense to the state, and since we have adopted the recall it seems to me that we might as well, if a man is capable, let him serve for four years.
Mr. Chairman: It has been moved and seconded that Section 1 be amended to read "four" instead of "two". All in favor of this motion say aye; contrary minded no. The secretary will call the roll.
Roll call showed 15 ayes and 23 nays.
Mr. Chairman: The motion is lost. Are there any other objections or amendments to the article.
Mr. Cassidy: Mr. Chairman, I move that the figures "1913"

be changed to "1915", for the reason that the first governor cannot possibly be elected before the summer of 1912, and if this is left 1913 he would only have a few months to hold office.
Mr. Short: I second the motion.
The motion failed to pass.
Mr. Moeur: I would like to have the salary of the attorney general changed from twenty-five hundred to thirty-five hundred.
Mr. Osborn: I second the motion.
Mr. Chairman: It has been moved and seconded that the salary of the attorney general be changed from twenty-five hundred dollars to thirty-five hundred dollars. The secretary call the roll.
Mr. Crutchfield: Mr. Chairman, before I can vote intelligently, I would like some information as to the duties of the attorney general.
Mr. Moeur: I know if it should be like it was in Texas it would take him day and night for fifteen or twenty years to bring the railroads to time.
Mr. Chairman: Call the bill.
Roll call showed 18 ayes and 30 nays.
Mr. Ellinwood: I would like to refer again to page 21, the last line. If the members will turn to page 9, which is the first section of the initiative and referendum, to the second line on page 9, "No act passed by the legislature shall be operative for ninety days after the close of the session." Then on page 21 I move to insert after the word "law" the words "ninety days after the close of the session of the legislature as provided in this constitution."
Mr. Winsor: I am afraid that would prove conflicting. An act does not become a law at the end of ninety days in the event of the referendum and it was to cover such a case that this clause was inserted.
Mr. Ellinwood: I would change it to read this way: "Or become a law as provided by Section 1 of Article lV of this constitution."
Mr. Cunniff: I think that is a sentence that it would be well not to tamper with, but I would be glad to hear from the gentleman from C.chise if he thinks it does not cover the ground.
Mr. Ellinwood: It seems impossible to me to tell whether it will become a law or not; whether it will become a law in five days, or whether it is to become a pocket veto.
Mr. Short: Mr. Chairman, this was thrashed out so thoroughly and discussed pro and con by the committee on the floor of the convention, I do not see how it could be construed in any other way than it would become a law if there was no referendum applied at the end of ninety days.
Mr. Jones of Yavapai: I know the committee on executive spent considerable time on that. That ten days has no effect on when that law shall become a law. It shall become a law as provided by this constitution. The ten days refers to the time the governor shall file it in the office of the secretary of state.
Mr. Ellinwood: I would like to ask the gentleman from Yavapai, for the purpose of getting it in the record. Is it the purpose of the legislative department that there should be no such thing as a pocket veto?
Mr. Cunniff: Yes sir.
Mr. Ellinwood: I will withdraw my motion.
Mr. Chairman: Are there any other objections and amendments

to be offered to Article V? If not it will be considered as recommended for adoption by the committee of the whole. The secretary read Article Vl, Judicial Department.
Secretary: (reading) Section 1, Article Vl, Judicial Department.
Mr. Chairman: Read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: Read Section 3.
Secretary: (reading) Section 3.
Mr. Chairman: Are there any objections or amendments? If not, read Section 4.
Mr. Jones of Yavapai: Mr. Chairman, it says here: "The judge having the shortest time to serve, and not holding his office by appointment or by election to fill a vacancy." I do not know how a judge could be elected unless he was elected to fill a vacancy.
Mr. Chairman: Are there any other objections to Section 3? If not, read Section 4.
Secretary: (reading) Section 4.
Mr. Chairman: Are there any objections or amendments? If not, read Section 5.
Secretary: (reading) Section 5.
Mr. Chairman: If there are no objections or amendments, read Section 6.
Secretary: (reading) Section 6.
Are there any objections or amendments? (Mr. Chairman:)
Mr. Ellinwood: I would like to ask some of the legal gentlemen if the amount "two hundred dollars" ought not to be "two hundred dollars exclusive of interest and costs? That is the usual term, so that the sum may be a definite sum.
Mr. Chairman: Are there any other objections or amendments?
Mr. Cunningham: Mr. Chairman, Section 6 provided: The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court." The beginning of the next paragraph: "The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent children." Is it the intention to give the superior court original jurisdiction in matters of twenty or thirty dollars? Does not this do it?
Mr. Weinberger: I will say that the phraseology used here is word for word the phraseology of Washington.
Mr. Chairman: The chair hears no motion.
Mr. Cassidy: Mr. Chairman, I move that after the words "two hundred dollars" in section 6 there be inserted the words "exclusive of interest and costs."
Mr. Ellinwood: I second the motion.
The motion prevailed.
Mr. Chairman: The secretary will read Section 7.
Secretary: (reading) Section 7.
Mr. Chairman: If there are no objections, read section 8.
Secretary: (reading) Section 8.
Mr. Weinberger: It is a question in my mind whether the phrase in Section 6, "of all matters of probate" would include all matters over which the probate court now has jurisdiction,-insane persons, minors, etc.
Mr. Short: I would like to ask the gentleman from Gila who would have jurisdiction where the business is taken over by the superior court?
(Speech by Mr. Lynch omitted and sent to him)
Mr. Weinberger: Mr. Chairman, I will say that by law we

have a probate court, and we are attempting to abolish that probate court by this section. I do not see that we are doing it by the use of that phrase.
Mr. Ellinwood: I move that after the word "probate" be added "or guardianship".
Mr. Lynch: That would not be comprehensive enough, because the probate court has jurisdiction over other matters that are not guardianship.
Mr. Chairman: Do I hear a motion? The secretary will proceed with the reading of Section 9.
Secretary: (reading) Section 9.
Mr. Chairman: Any objections or amendments? If not, read Section 10.
Secretary: (reading) Section 10.
Mr. Ellinwood: I move that in line 10, page 31, that the word "five" be stricken out and the word "six" be stricken out.
Mr. Lynch: I second that motion.
Mr. Jones of Yavapai: Mr. Chairman, I move an amendment that the word "six" be stricken out and the word "four" be inserted.
Mr.Wood: I second that motion.
Mr. Chairman: Gentlemen, the question is on the amendment to the amendment to strike out the word "five" and insert the word "six" and the amendment to the amendment to strike out the word "six" and insert the word "four". Those in favor of the amendment to strike out the word "six" and insert "five" will say aye; those opposed nay, as their names are called.
Roll call showed 10 ayes and 38 nays.
Mr. Chairman: The motion is lost. Now the question comes up on the amendment to strike out the word "five" and insert "six". Those in favor will say aye; those opposed nay as the secretary calls the roll.
Roll call showed 17 ayes and 32 nays.
Mr. Chairman: The motion is lost. If there are no other objections the Section 10 is adopted.
Mr. Tuthill: I move to amend by striking out the word "Greenlee" where it now appears and adding at the end of the section "The superior judges in and for the county of Greenlee shall receive $3500 per annum. Mr. Chairman, my reason for this is that in Greenlee county the living expenses are so high and the salary allowed here is quite insufficient for the judge of that county."
Mr. Cobb: I second that motion.
Mr. Lynch: I desire to say that I am in favor of this change from the fact that three-fifths of the cases on the docket came from Greenlee county heretofore. I know that the expenses of court are much higher there than in Graham county and that the living expenses are also very high. I believe that Greenlee county is entitled to the higher salary.
Mr. Chairman: The secretary will call the roll. Those in favor of the amendment will answer aye; those opposed nay.
Roll call showed 25 ayes and 15 nays.
Mr. Chairman: The motion is carried. The amendment is made. If there are no further objections the secretary will read the next section.
Secretary: (reading) Section 11.
Mr. Chairman: No objections to Section 11? Read Section 12.
Secretary: (reading) Section 12.
Mr. Chairman: No amendments? Read Section 13.

Secretary: (reading) Section 13.
Mr. Chairman: If there are no objections read Section 14.
Secretary: (reading) Section 14.
Mr. Chairman: No objections to that section. Read the next.
Secretary: (reading Section 15.
Mr. Chairman: Are there no objections? Read the next section.
Secretary: (reading) Section 16.
Mr. Chairman: Section 16 is passed. Read Section 17.
Secretary: (reading) Section 17.
Mr. Moeur: I do not believe in having these clerks appointed by the judges for I think that they should be elected by the taxpayers, and I move that they shall be elected by the qualified electors of the county.
Mr. Osborn: I second that motion.
Mr. Lynch: I think that if the gentleman from Maricopa, would study the matter over he would withdraw his motion. If there is anyone who has the right to appoint such officers and who could do so judiciously it is the judge. It is the judge who has the work of the clerk under his supervision and direction and I think that he should have the right to appoint the clerks.
Mr. Chairman: The motion of the gentleman from Maricopa is to make the clerks of the court elective rather than appointive. Those in favor of the motion will say aye; those opposed nay. The ayes have it and it is so ordered. Read Section 18.
Secretary: (reading) Section 18.
Mr. Weinberger: I notice that the term of office for these clerks is four years while the term of office for other officers is only two years and I move to amend by saying "The clerk of the court shall hold the office of clerk co-terminous with the judge of the court."
Mr. Franklin: I second that motion.
The motion prevailed.
Mr. Chairman: Read Section 19.
Secretary: (reading) Section 19.
Mr. Chairman: If there are no objections section 19 is passed. Read Section 20.
Secretary: (reading) Section 20.
Mr. Chairman: No objections. Read Section 21.
Secretary: (reading) Section 21.
Mr. Chairman: There seems to be no objections. Read section 22.
Secretary: (reading) Section 22.
Mr. Chairman: Section 22 is passed. Read Section 23.
Secretary: (reading) Section 23.
Mr. Chairman: Read Section 24.
Secretary: (reading) Section 24.
Mr. Chairman: If there are no other amendments the article entitled "Judicial Departments will be adopted by the committee of the whole. The secretary will now read the Ordinance Article.
Mr. Cunniff: Mr. Chairman, the Ordinance Article will be No. 20.
Secretary: (reading) Article No. 20, Ordinance.
Mr. Chairman: There being no objections to the Article entitled "Ordinance" it will be now adopted by the committee of the whole. The secretary will now read the next article entitled, "Removal from Office, or Recall of Public Officers."
Secretary: (reading) Section 1, of Article on Removal from office, or Recall of Public Officers.

Mr. Chairman: Section 1. Are there any objections or amendments?
Mr. Cunniff: On page 39, second line, the words "number of" I move be inserted before the word "votes" in order to make it conform with the other parts of the constitution.
Mr. Wood: I second the motion.
The motion prevailed.
(Speech by Mr. Tuthill omitted and sent to him)
Mr. Ingraham: May I ask the gentleman a question? Of whom do you wish the Judge to be independent?
Mr. Tuthill: Independent of coercion on one side or the other.
Mr. Curtis: I second the motion of the gentleman from Greenlee.
Mr. Feeney: The object and aim of the government was that it beconstructed in triangular form, the legislative, and judicial, and the only method we have found whereby we can retain that triangle without making a right angled triangle and following the hypotenuse, is to put a recall on the judiciary and all public officials. The gentleman he quotes from is of the judicial temperament we have so long and so persistently fought against. Another reason is the testimony of the lawyers of this convention that the salaries we will pay the judges are not sufficient to place an efficient man in that position; therefore, we will need the recall to haul out all the inefficient. It would be far better for this convention to absolutely take this measure in its whole out of the constitution than to except any of these gentlemen of judicial temperament.
Mr. Chairman: Are you ready for the question? All in favor as the roll is called will answer aye; contrary minded no.
Mr. Cunniff: I should like to explain my vote. I have read with some care what President Taft says in his message, and I heartily agree with everything the President says in that message, except possibly a little of the last sentence. I think we democrats agree with all of that except the life tenure. Many of the states have no such thing; it is rather the exception than the rule. At all events many states do not have life tenure, but have elective judges. I think our action is not out of accord with what the president says. I vote no.
Roll call showed 14 ayes and 32 nays.
Mr. Chairman: The motion is lost. Any other objections or amendments? If not, read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: If there are no objections, read Section 3.
Secretary: (reading) Section 3.
Mr. Cassidy: Mr. Chairman, I move the first two words in the second line on page 40 "shall be" be changed to "shall have been."
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Chairman: If there are no further amendments, the secretary will read Section 4.
Secretary: (reading) Section 4.
Mr. Chairman: Section 4. Are there any objections or amendments? If not, it will stand approved as read. Read Section 5.
Secretary: (reading) Section 5.
Mr. Chairman: Are there any objections or amendments? If not the secretary will read Section 6.

Secretary: (reading) Section 6.
Mr. Chairman: Are there any objections or amendments? Are there any objections or amendments to the article entitled "Removal from office?" If not, the secretary will read the next subdivision.
Mr. Cunniff: That is Article Vlll, Subdivision 1. The next will be subdivision 2.
Secretary: (reading) Section 1.
Mr. Chairman: Are there any objections or amendments? If not, read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: Are there any objections or amendments? If not, read section 3.
Secretary: (reading) Section 3.
Mr. Chairman: Are there any objections or amendments? Gentlemen, what will you do with Subdivision 2 of Article Vlll, entitled "Impeachment." Are there any objections, corrections or amendments?
Mr. Weinberger: Section 3 means to throw some doubt in the minds of some members, although not in mine, as to a possible conflict of impeachment and recall. I do not see that Section 3 is necessary, and I, therefore, move to strike it out.
Mr. Cunniff: I second the motion.
Mr. Short: Mr. Chairman, what provision will we have for the removal from office of appointive officers?
Mr. Weinberger: The legislature will provide for that. We do not need this to give sanction to the legislature to pass such laws. If this casts any doubt as to matters of impeachment and removal from office, and recall, we might as well do away with this section.
Mr. Crutchfield: Mr. Chairman, it seems to me that there is one rather important point that has been omitted, and that is the power of the governor to control all executive officers. It seems to me we should have some means whereby the mayor, chief of police, or sheriff of the county could be removed if he did not perform his duties.
Mr. Standage: We have the recall.
Mr. Crutchfield: In some instances that might not be possible.
Mr. Cunniff: It seems to me there is no need to make a provision in the constitution for cases of that kind. The legislature will have the power to do that without authorization in the constitution, as the gentleman from Gila says.
Mr. Ingraham: I amend the motion to this effect: That after the word "impeachment" we insert the word "or recall."
Mr. Chairman: The motion to strike out cannot be amended. The motion is out of order. The question is on striking out Section 3. All in favor will say aye; contrary-minded no. The motion is carried. Section 3 is stricken out. Are there any other objections or amendments to Subdivision 2 of Article Vlll? If not, it will be considered as recommended for adoption. Gentlemen, we have completed the printed part of the constitution.
Mr. Winsor: I move that the committee of the whole do now arise and report progress.
Mr. Connelly: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order. The gentleman from Yavapai, Mr. Goldwater, is recognized.
Mr. Goldwater: "Mr. President, your committee of the whole, having had under consideration the printed constitution

of the state of Arizona, begs leave to report progress, and asks leave to sit again. Your committee also recommends the adoption by the convention of the amendments made by the committee of the whole to Articles 4, 5, 6, 7, 8, and 20."

Mr. President: Those in favor of adopting the report of the committee, with amendments, will answer aye; opposed no. The ayes have it, and it is so ordered. Now, gentlemen of the convention, we will try to get this part of the constitution to the enrolling committee this afternoon. The question comea up on Article 4 of "The Legislature."

Mr. Osborn: Mr. President, I would like to amend Section 1 that in line 2 the figures "35" be changed to "36", and that the representatives of Maricopa county be changed from six to seven. Now, I have made this motion time and time again. I do not expect it will pass. I apologize to the gentleman from Graham and to the rest of the convention, for saying yesterday that that was my last appeal. This will probably be my last appeal, for the reason that it will not come up again. I think Maricopa should be given the same number of representatives as Cochise, Maricopa is entitled to the same, and our vote was almost as large as that of Cochise in the next to the last election, and in the last election it was more than Cochise. It is nothing but justice, right, and equity. For goodness' sake, give Maricopa what she is entitled to.

Mr. Morgan: I second the motion of the gentleman from Maricopa.

Mr. President: Those in favor will answer aye; opposed no. Call the roll.

Roll call showed 16 ayes and 26 nays.

Mr. President: The motion is lost. The next is Subdivision 2 of Article 1V, "Legislature". The secretary will call the roll on the question of incorporating this subdivision in the constitution.

Mr. Crutchfield: I should like to explain my vote. I do not think this is just to Maricopa county in the matter of apportionment of representatives.

Mr. Wells: I do not understand the initiative and referendum is included in this?

Mr. President: No, that was passed this morning.

Roll call showed 35 ayes and 7 nays.

Mr. President: The subdivision has been adopted as an article in this constitution. Gentlemen of the convention, the question comes up on the adoption of Article V.

Mr. Cunniff: At the end of Section 8, it now reads "for any cause" and I think it might be better to have it "from any cause," although it is not essential.

Mr. President: If there are no objections, it is so ordered. Call the roll on the final passage of Article V, on Executive Department.

Roll call showed 37 ayes and 4 nays.

Mr. President: Article V. has been adopted in the constitution. Any amendments to Article Vl. The "judiciary Department."

Mr. Cunningham: In Section 9, beginning with the last of the third line, the words "determined by law". I move to strike out the word "determined" and insert in lieu thereof the word "provided". I think that is the proper word there.

Mr. Winsor: I second the motion.

The motion prevailed.

Mr. President: Gentlemen of the convention, we will call

the roll on the adoption of Article VI of the Constitution of Arizona, entitled "Judicial Department." Those in favor of the adoption of this article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 41 ayes and no nays.
Mr. Jones of Yavapai: Mr. President, I move that the convention now adjourn until tomorrow morning at 9:30 o'clock.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention adjourned to 9:30 a.m. December 7, 1910.

JOURNAL, December 7, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. President: Gentlemen of the convention, if there are no objections, we will commence the third reading of Article XX on Ordinance. The secretary will proceed.
Secretary: (reading) Article XX on Ordinance.
Mr. President: This is on final passage on the adoption of Article XX. Those in favor of the adoption of Article XX, entitled Ordinance, will answer aye, as their names are called; and those opposed answer nay. The secretary will call the roll.
Roll call showed 46 ayes and no nays.
Mr. President: Article XX has been adopted by this convention. The secretary will read Article VIII, Removal from Office, the Recall of Public Officers.
Secretary: (reading) Article VIII.
Mr. President: Gentlemen, the question comes up on the adoption of Article VIII.
Mr. Baker: I move the convention take a recess for ten minutes.
Mr. Lynch: I second the motion.
Mr. President: Gentlemen, you have heard the motion to take a recess for ten minutes. Those in favor of the motion will answer aye; those opposed nay.
The secretary will call the roll.
Roll call showed 15 ayes and 31 nays.
Mr. President: The motion is lost. Gentlemen, the question will come up on the final adoption of Article VIII, the Recall of Public Officers.
Mr. Baker: Mr. President, I move that Article VIII, entitled Removal from Office or the Recall of Public Officers, be stricken out, and the following be substituted: "The legislature shall enact a recall measure for the recall of public officials."
This is the exact language of the pledge on which the Maricopa delegation was elected. It was in our platform and was printed and stood there during the campaign, and I am not in favor of adopting any other measure.
Mr. Osborn: I second that motion.

Mr. President: You have heard the motion of Mr. Baker. Those in favor of adopting this amendment will answer aye; those opposed nay, as the roll is called.
Mr. Cunningham: Is this a substitute for Article V111?
Mr. Baker: Yes, as far as the word "Impeachment."
Mr. President: Secretary call the roll on the adoption of the amendment.
Mr. Cunningham: I voted aye for this same amendment and I vote aye now.
Mr. Jones of Maricopa: I would like to have the record show that I am in favor of a recall, but in my judgment I think that this question is one that should be more carefully considered, and I vote aye in this instance.
Roll call showed 15 ayes and 31 nays.
Mr. President: The motion is lost.
(Speech by Mr. Cassidy omitted and sent to him)
Mr. Franklin: I second that motion.
(Speech by Mr. Cassidy omitted and sent to him)
Mr. Baker: I desire to say one word and before I do say a word I ask permission of the gentleman from Graham county, Mr. Webb, to read a communication that he has received from one of the highest officials in the United States and one of the most popular men in the Congress of the United States.
Mr. Webb: In reply to the gentleman from Maricopa I desire to say that Mr. Cobb and I wired several days ago to Hon. Joseph W. Bailey of Texas, and our purpose in doing so was, if possible, to induce the convention to see the situation as the delegation from Graham county have seen it all the time. If you do adopt the recall as it is I will vote for it, but if there is any way possible of getting this question submitted to the people or amended, I am in favor of doing so. The gentleman from Maricopa may read the telegram and the reply.
Mr. Baker: I shall now read the communication of both parties:

"November 29, 1910.

Hon. Joseph W. Bailey,
Gainesville, Texas.

Constitutional Convention has adopted initiative and referendum Has proposition to insert recall applicable to all officials including judiciary. Would these provisions in your opinion endanger approval of Constitution by President and Congress Will treat answer as confidential for democrats or for publication as you indicate.

W. T. Webb, Lamar Cobb,
Democratic Members."

"Washington, D.C. December 5, 1910.
Hon. W.T. Webb,
or Hon. Lamar Cobb, Phoenix, Arizona.

Your telegram to Gainesville forwarded here. The provisions you specify are apt to provoke opposition of the President and might invite the disapproval of Congress. I am sincerely anxious to see Arizona admitted to the Union, and I advise our friends there to adopt a constitution free from all debatable provisions so as to secure statehood without delay. After becoming a state the people of Arizona can then adopt such amendments to her constitution as her people desire without consulting anybody or incurring the risk of being kept in a territorial condition. (Signed) J.W. Bailey."

Now, one word, I will say that this is in keeping with the

written platform upon which I was elected. This can be submitted to the people at the same time the constitution is and can do no possible harm, but better still is the amendment which is in keeping with the recall measure. I say most emphatically that I am opposed to the recall, as it now stands, being adopted by this convention, and I do hope that it will not be adopted but rather that it be submitted to the people and if they vote for it it will be just the same as though it had been in the constitution and enacted here. It will certainly give expression to the wishes of the people.
Mr. Feeney: Will the gentleman yield to a question?
Mr. Baker: I yield.
Mr. Feeney: Is this more debatable than the initiative and referendum?
Mr. Baker: I am not here to answer that for a Senator. I do not deem that the initiative and referendum is debatable at all.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Wood: In answer to the gentleman from Maricopa, Mr. Cassidy, on separate submission, I would say that one county in the territory has declared for the initiative, referendum and recall, and another county, that of Gila, has instructed her delegation that they wanted nothing attached as separate submission questions.
(Speech by Mr. Webb omitted and sent to him)
Mr. Cunniff: I am not here to apologize for Mr. Bailey, but I understood in the remarks of the gentleman from Cochise, Mr. Parsons, some harsh references to that gentleman. In my opinion he is one of the ablest men in the United States Senate. Had it not been for that man there would have been no Constitutional Convention, nor any constitution, for it was through his efforts, the untiring efforts of Honorable Joseph W. Bailey, that we have the enabling act, and we should feel very grateful to him for his sincere and ceaseless labors in our behalf. (applause.)
Mr. Webb: It is for this reason we sent those telegrams to him, knowing that he had our interest at heart, and is very desirous of our securing statehood.
Mr. Cunniff: I do not think it is necessary for us to pay attention to those telegrams, for I do not consider that they were communications from him for they came only as a reply to inquiry and I see no reason for paying any attention to them.
Mr. President: The question comes up on the amendment of Mr. Cassidy. The secretary will call the roll, and those voting aye will vote for separate submission and those voting nay vote against separate submission.
Roll call showed 17 ayes and 30 nays.
Mr. President: The motion is lost. Gentlemen, the vote now comes up on the adoption of Article Vlll. Those in favor of the adoption of Article Vlll, entitled the Recall of Public Officers, will answer aye; those opposed nay, as the roll is called.
Mr. Lynch: I desire to offer another amendment. I voted aye for the last question, but now I am going to offer as an amendment the following for expediency: I move you that in Article Vlll, Section 1, of the Recall of Public Officers, that after the words "public officers" insert the words "except judges of courts of record."
Mr. Tuthill: I second that motion.
Mr. President: Gentlemen, you understand the motion. Those in favor of the amendment will answer aye; those opposed nay, as the secretary calls the roll.

Roll call showed 15 ayes and 36 nays.

Mr. President: The motion is lost. The question comes up on the adoption of Article Vlll. Those in favor of its adoption will answer aye; those opposed nay. Call the roll.

Mr. Orme: I wish to explain my vote. I voted for the amendment and for separate submission for the reason that I feared that it might endanger statehood to adopt the recall as it stood, but since it seems to be the wish of the majority of the members of this convention to adopt the measure, I shall vote aye.

Roll call showed 38 ayes and 9 nays.

Mr. President: Article Vlll is adopted by the convention.

Mr. Roberts: Mr. President; I have a resolution I would like to have read.

Mr. President: Secretary read the resolution.

Secretary: (reading) Resolution No. 20 relating to statements alleged to have been made in Washington, D.C., by Governor R.E. Sloan.

Mr. Cunningham: I think that it would be unwise to adopt such a resolution. We have no evidence that what the newspapers say is true, and even if it were true, I can see no reason why the governor or any other person should not have the right to express his opinion on these matters. It is their right as well as the newspapers. I do not think that we should be so sensitive to such remarks and I suggest we pay no attention whatever to the matter.

Mr. Cunniff: I move that the resolution be indefinitely postponed.

Mr. Wills: I second that motion.

The motion prevailed.

Mr. President: Gentlemen, we have some other matter to come before the committee of the whole, and the convention will now resolve itself into the committee of the whole, with the gentleman from Yavapai, Mr. Goldwater, in the chair.

Mr. Chairman: Read Article Vll, Suffrage and Election.

Secretary: (reads)

Mr. Chairman: That concludes Article Vll. Are there any objections or amendments?

Mr. Winsor: I would like to refer back to Section 13, and offer the following amendments. In the third line of Section 13, strike out the words "or any" close to the end of the line, and insert the words "and of the", and at the end of the section add the words, "affected by such question."

Mr. Short: I second the motion.

Mr. Crutchfield: Mr. Chairman, it seems to me that this is encumbering the constitution and that really the amendment should be "qualified electors of the subdivision affected by such question." We do not want to have a redundancy of words.

Mr. Winsor: The amendment is acceptable.

Mr. Parsons: Mr. Chairman, I desire to call the attention of the committee to the fact that the word "state" was added in a proposition here. There might be a question whether a state proposition could be submitted. I certainly think this word should remain in there.

Mr. Winsor: I think it would be best.

Mr. Jones of Yavapai: Mr. Chairman, I move that Section 13 be stricken out.

Mr. Cunniff: I second the motion.

Mr. Osborn: Mr. Chairman, I just want to call the attention of the committee to the fact that this is one of the questions that have been thoroughly thrashed out time and

time again.
Mr. Chairman: Those in favor of the motion to strike out Section 13, as the roll is called will answer aye, contrary-minded no. The motion is lost. The question comes up on the adoption of the amendment offered by the gentleman from Yuma. Are you ready for the question? Those in favor will answer aye; contrary-minded no. The ayes have it. The amendment is adopted.
Mr. Curtis: Mr. Chairman, I would like to offer an amendment to add the following at the end of Section 2: "No person shall have the right to vote or be eligible to office under the Constitution of this state, who shall not be able to read the constitution in the English language and write his name; Provided, however, that the provisions of this law shall not apply to any person prevented by a physical disability from complying with its requisitions nor to any person who shall be sixty years of age or upward at the time this law shall take affect."
Mr. Wood: I second the motion.
Mr. Curtis: That is simply an amendment to not disfranchise voters already having the right to vote.
Mr. Webb: It is also in addition a proposition that has been voted down two or three times by this convention.
Mr. Chairman: All in favor of this amendment will make it known by saying aye; contrary-minded no. The gentleman insists on a roll call. The chair is in doubt anyway. All those in favor of the proposition will rise and remain standing until counted. Contrary minded will rise. The motion islost 15 to 27. Are there any other objections or amendments to Article Vll, if not it will be the sense of the committee of the whole to recommend it for adoption by the convention as amended. The secretary will read Article lX.

Secretary: (reading) Section 1, Article 1X.

Mr. Chairman: If there are no objections, read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: Are there any objections to Section 2?
Mr. Osborn: Mr. Chairman, in Section 2, line 5, after the words "Young Men's Christian Association," I move that the "Women's Christian Temperance Union" be added.
Mr. Moeur: Mr. Chairman, I would like to amend by striking out all of Section 2, beginning with the word "parsonages" down to the word "cemetaries."
Mr. Morgan: I second the motion.
Mr. Chairman: The motion of the gentleman from Maricopa is that all of Section 2 from the word "parsonages" to the word "cemetaries" be stricken out. Are you ready for thd question. All those in favor of the motion will manifest by saying aye; contrary minded no. The chair is in doubt. All those in favor of the motion will rise and remain standing until counted; contrary-minded will rise. The amendment is lost. Are there any other amendments to Section 2?
Mr. Osborn: I have an amendment, Mr. Chairman.
Mr. Chairman: I did not hear any second.
Mr. Osborn: It was seconded by two or three members.
Mr. Chairman: The gentleman from Maricopa offers an amendment that after the words "Young men's Christian Associations" the words "Women's Christian Temperance Union" be inserted.
Mr. Jones of Maricopa: I would like to offer an amendment to the motion of the gentleman from Maricopa, and in explain-

ing that I would like to say that we have attempted to do some legislation here and have done it badly. We have included certain institutions and have excluded some just as worthy and I believe the whole subject can be disposed of with a slight amendment, cutting out all after "property" in the second line down to and including "profit" on line 8 and inserting in lieu of these words: "Property of educational, charitable and religious associations and institutions not used or held for profit may be exempt from taxation by law." We do not know what conditions may arise in the future and I think the whole question can be wisely left to the legislature.

Mr. Morgan: I second that amendment.

Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Maricopa, Mr. Jones, to the amendment made by Mr. Osborn.

Mr. Short: Mr. Chairman, I would like to inquire what bearing this will have upon fraternal organizations.

Mr. Chairman: It leaves the whole matter with the legislature.

Mr. Cunningham: Mr. Chairman, if that amendment is made then the last sentence in that section will prevent the very thing the gentleman are endeavoring to do.

Mr. Cunniff: I would guggest that that could be cured by putting in the phrase "by law" before the words "under this constitution."

Mr. Chairman: All in favor of adopting the amendment offered by the gentleman from Maricopa, Mr. Jones, will answer aye, contrary-minded no. The ayes have it. The amendment offered by the gentleman from Maricopa is amended now, and those in favor of the adoption of the amendment will say aye; contrary-minded no. The ayes seem to have it. The ayes have it; so ordered. The amendment is carried. Are there any other objections?

Mr. Cunniff: Mr. Chairman, I move an amendment that after the word "constitution" these words be inserted: "or exempted by law under the provisions of this section."

Mr. Jones of Maricopa: I second that motion.

The motion prevailed.

Mr. Baker: I move an amendment to the whole affair, - that Section 2 stand as it is now printed in the bill.

Mr. Cunningham: I second that motion, because as it now stands there is no law in this constitution except the constitutional provision, and it takes out even one of the exemptions of these matters we have tried to work into it.

Mr. Chairman: The chair refuses to entertain the motion. The committee of the whole has amended this, and you are moving to take back all the amendments and say the thing shall stand after the committee of the whole has just voted to amend it.

Mr. Morgan: It seems to me we have just decided this question here.

Mr. Chairman: If you want to move to strike out.

Mr. Baker: I move to strike out the whole section as amended, and substitute therefor Section 2 as printed in the bill.

Mr. Cunningham: I second the motion.

Mr. Jones of Maricopa: We have chewed the rag over this proposition a number of times. For us to attempt to go into details as we have here, we will find later that we have not included some institutions that should have been included, and we will find ourselves in an awkward position. I think the matter should stand as it now stands.

Mr. Morgan: There is another consideration we ought to think of here. It will leave all those members who are afraid of the big vote of the Y.M C.A. They can stand pat if the proposition is left as it is now.
Mr. Baker: You cannot pick out a constitution in all of the states but what they provide for the exemption of institutions of this character. Churches and their property are exempted in nearly every constitution.
Mr. Jones of Maricopa: If it is adopted in the form it is now, it will exclude the W.C T.U., who have a building in this town, and who refuses to rent their rooms to young women who are earning respectable salaries, but retain them to rent to poor girls.
Mr. Colter: The Crittendon Home should also be exempt.
(Speech by Mr. Morgan omitted and sent to him)
Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Maricopa, Mr. Baker, to strike out Section 2 as amended and re-insert Section 2 as printed in the original copy.
Mr. Moeur: Mr. Chairman, I do not believe that it is right to exempt all this church property from taxation. As a member of this constitutional convention I am opposed to this bill. I will not sign the constitution if this goes in, and I will fight till I die but I will beat it.
Mr. Chairman: the question comes up on the adoption of the amendment. As many as are in favor of adopting the motion will say aye; contrary minded no.
The motion is lost.
Mr. Chairman: Are there any other objections to Section 2? If not, read Section 3.
Mr. Morgan: The question is left to the legislature at present, is it?
Mr. Chairman: Yes.
Mr. Ingraham: I move that we arise and report progress and ask leave to sit again.
Mr. Feeney: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.
Mr. Goldwater: Mr. President, Your committee of the whole having had under consideration Article Vll of the Constitution, begs leave to report progress, and asks leave to sit again.
Mr. President: The report will be adopted.
Mr. Goldwater: I move that we take a recess until 2 o'clock.
Mr. Osborn: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p. m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. There is a quorum present.
Mr. Wood: Mr. President; I have a resolution.
Mr. President: Read the resolution, Mr. Secretary.
Secretary: (reading) Resolution No. 19 relating to verbatim report.
Mr. Wood: I will say that the secretary of Arizona has been instructed to carry out the instructions of my resolution, and I move its adoption.
Mr. Jones of Yavapai: I second the motion.
Mr. Winsor: I wish I had known about the resolution, because I have one on the same subject, which I would like to refer to the gentleman.

Mr. Wood: If this will be acceptible to the secretary I will very gladly accept it for introduction in place of mine.
Secretary: (reading) Substitute for Resolution No. 19.
Mr. Winsor: I move the adoption of the resolution.
Mr. Roberts: I second the motion.
Mr. Cunningham: Mr. President, is it the purpose of that second resolution to keep members of this convention here indefinitely working over the verbatim report, when we have sworn stenographers to take down that report?
Mr. President: That report would have to be gone over and corrected. The secretary of state would not know how to correct it.
Mr. Franklin: Mr. President, as an amendment to that resolution, I move that the verbatim report of this convention be expunged from the records of this convention.
Mr. Baker: I am going to offer an amendment, and that is this: That the verbatim report as taken by the stenographers stand as it is at the present time.
Mr. Cunningham: I second the motion. What I have had to say in this convention I have tried to say advisedly. I am willing for it to stand as I said it, and if it is intelligible to any reader I am willing for him to draw hiw own conclusions, and if he is unable to ascertain my meaning,- if I am still alive at the time he may be reading it,- I will try to explain to him what thoughts I had and tried to express at that time. But I do not see where the authority would come in to appoint five members of this convention to spend the next six months in trying to find out what the sense of this convention was.
(Speech by Mr. Goldwater omitted and sent to him)
Mr. Cunningham: I seconded that motion of the gentleman myself.
Mr. Goldwater: I want to return this resolution, which has been returned to the committee, to the files of the convention. I think it is all right, even if it is frivolous, and I am going to return it with the report of the committee to the effect that the committee returns it back to the convention without recommendation.
Mr. Cobb: Mr. President: Is another amendment in order at this time? I would like to amend by striking out the appointment of a committee of five, and insert the secretary and the assistant secretary of this convention. I think they are the most competent people.
Mr. Colter: I do not think that amendment is in order.
Mr. Standage: I would like to amend that; that it be the assistant secretary who has charge of this verbatim report.
Mr. Sims: I second that amendment.
Mr, Cobb: There was no second to my motion, and I will accept the amendment as offered by Mr. Standage.
Mr. President: Gentlemen of the convention, you have heard the motion of the gentleman from Maricopa. Mr. Baker moves, seconded by Mr. Cunningham, that the verbatim report will stand as the stenographers have taken it; amended that the assistant secretary of the convention will edit this verbatim report. Are you ready for the question?
Mr. Cunniff: Mr. President, is that amendment made on the original motion that was inserted in that resolution, or does it stand alone?
Mr. President: If that motion carries, that portion of the resolution will have to be stricken out that the president of the convention appoint five members.
Mr. Cunniff: Did the provisions of that original motion cover this?
Mr. President: I understand that would be it.

Mr. Morgan: The gentleman from Maricopa made a motion that the original verbatim report be accepted, and we have not had a chance to vote on that proposition.
Mr. Goldwater: Mr. President, I do not know that I am in order, but I have another resolution which I would like to introduce at this time, - not as an amendment, but as an addition, and it reads as follows: "Resolved that five hundred copies of the verbatim report proceedings of this convention, as revised and edited, be bound in calf or sheep as may be deemed most appropriate to the member or person for whom the copy is intended."
Mr. Chairman: The question comes up on the first amendment offered by the gentleman from Maricopa, Mr. Standage. Those in favor of that amendment will answer aye; opposed no. The ayes have it. It will come up on the adoption, of the resolution as amended.
Mr. Cunniff: If an amendment is in order, I should like to add a proviso to that resolution. "Provided, that no member shall extend the report of his remarks or his speeches." The point is, that as I understand, there are places where this verbatim record is not complete, where perhaps aword is dropped out, and I think it would be practical to see that that matter is straightened out without the members going to inserting things that say have been omitted; and therefore, I offer this amendment in entire good faith and sincerity, that the verbatim report shall not be expunged.
Mr. Morgan: I second the motion.
Mr. Baker: What has become of my original amendment to the motion? We have never had an opportunity to vote upon it. I ask that my original amendment to the motion be put.
Mr. President: The gentleman from Maricopa, Mr. Baker moves that the verbatim report will stand as the stenographers have written it out. Those in favor of that motion will answer aye; those opposed will answer no. Call the roll.
Mr. Osborn: Mr. President, in explaining my vote I want to call attention to the fact that every republican member has voted aye, and every time one of those members made a speech he had it written out and handed to the secretary; therefore, I vote no.
Mr. Wills: I am like Mr. Osborn, I vote no.
Mr. Cobb: I would like to know the status of this question now.
Mr. President: There is no status to it at all.
Mr. Baker: The record stands as it is now?
Mr. President: Those in favor of the amendment will answer aye--those in favor of the resolution as amended will answer aye; those opposed will answer nay. The ayes have it; so ordered.
Mr. President: Any other communications on the desk?

Secretary: (reading) "I, Joe Dasy, do hereby tender my resignation as Committee clerk of the constitutional convention, said resignation to take effect on and after this date. (Signed) Joe Dasy."

Mr. President: If there are no objections the resignation will be accepted. Hearing none, it is so ordered. Gentlemen, of the convention, if there are no objections, the convention will resolve itself into the committee of the whole to take up the matter that was before it when we adjourned. The gentleman from Yavapai, Mr. Goldwater will take the chair.
Mr. Chairman: The committee of the whole will come to

order. Gentlemen of the committee, we are on Article IX, entitled Public Debt, Revenue and Taxation. If there are no objections the secretary will read Section 3.

Secretary: (reading) Section 3.

Mr. Chairman: If there are no objections the secretary will read Section 4.

Secretary: (reading) Section 4.

Mr. Chairman: No objections to Section 4? Read Section 5.

Secretary: (reading) Section 5.

Mr. Baker I move that Section 5 be amended by striking out $200,000 and substituting therefor $300,000.

Mr. Osborn: I second that motion.

The motion failed to pass.

Mr. Chairman: I would like to ask the chairman of the revision committee if, on page 47 it is desired to use the word "created." Do you want to leave it in that way?

Mr. Cunniff: I ask unanimous consent to change that wording.

Mr. Chairman: No objections you may do so. Read Section 6.

Secretary: (reading) Section 6.

Mr. Chairman: Any objections to Section 6? Hearing none, read Section 7.

Secretary: (reading) Section 7.

Mr. Chairman: If there are no objections to Section 7, read Section 8.

Secretary: (reading) Section 8.

Mr. Chairman: Any objections to Section 8?

Mr. Short: Would this be exclusive of any state debt?

Mr. Crutchfield: I would like to refer back to Section 7.

Mr. Chairman: If there are no objections we will refer back to Section 7. You may refer back.

Mr. Crutchfield: I move an amendment by saying "ownership should accrue to the city, town, municipality or county."

Mr. Chairman: Any second to that amendment? Under the law the state does not own anything.

Mr. Crutchfield: I withdraw my amendment.

Mr. Chairman: Any objections to Section 8? Read Section 9.

Secretary: (reading) Section 9.

Mr. Chairman: Are there any objections to Section 9? Read Section 10.

Secretary: (reading) Section 10.

Mr. Chairman: Are there any objections to Section 10? Read Section 11.

Secretary: (reading) section 11.

Mr. Chairman: Are there any objections to Section 11? I would like to ask the chairman of the committee on style, revision and compilation if it is desired that word "chairman" or words "chairman of the boards of supervisors" be read.

Mr. Parsons: "Boards" is plural, "chairmen" should be used.

Mr. Chairman: That is correct. Read Section 12.

Section 12. (Secretary reading)

Mr. Chairman: Any objections to Section 12?

Mr. Cunniff: I would ask for unanimous consent to add a comma after the word "stamp" and strike off the "s" from the word "registration."

Mr. Chairman: No objections to the correction? The correction may be made.

Mr. Ingraham: I ask that Section 5 be reverted to. I should like to make an amendment. Page 48, line 3, insert the word "money". I think that it would be unwise to prevent

the state from borrowing money for public improvement, Suppose that we want to build a new state capitol. There would be no provision for borrowing the money, and I think we should make provision for this.
Mr. Crutchfield: I second that motion.
Mr. Cunniff: I think that the amendment provided by Judge Baker would be a much better method of correcting this error than the one now offered by the gentleman from Yuma.
Mr. Moeur: I think that the sum herein provided for is a very small amount for the state's use to say nothing of making improvements in addition. I think that we should by all means make provision for public improvements and our only means for doing so is by raising money by borrowing.
Mr. Crutchfield: I second the motion of the gentleman from Yuma.
Mr. Winsor: I move to amend the amendment to the effect that the sum of "$200,000" be changed to "$350,000."
Mr. Ingraham: I shall accept that amendment.
Mr. Chairman: Gentlemen, it has been moved and seconded that Section 5 be amended by striking out the figures $200,000 and inserting "$350,000" in lieu thereof. Those in favor of the amendment will answer aye; those opposed nay. The ayes have it, and the figures "$200,000" are stricken out and the figures "$350,000" are inserted. Any other objections to this Article" If not, Article XI has been adopted by the committee of the whole. The secretary will read Article X, entitled "State and School Lands."
Secretary: (reading) Article X, entitled State and School Lands.
Mr. Chairman: Any objections to Section 1?
Mr. Cunniff: I ask consent to insert the word "in" before the word "constitution."
Mr. Chairman: If there are no objections the correction may be made. The correction is made. What do you mean by "natural deposits?"
Mr. Cunningham: It means what grows upon the lands.
Mr. Chairman: Read Section 2.
Secretary: (reading) Section 2.
Mr. Chairman: No objections? Read Section 3.
Secretary: (reading), Section 3.
Mr. Chairman: Are there any objections to Section 3? Read Section 4.
Secretary: (reading) Section 4.
Mr. Chairman: Any objections? Read Section 5.
Secretary: (reading) Section 5.
Mr. Chairman: If there are no objections, read Section 6.
Secretary: (reading) Section 6.
Mr. Chairman: Section 6 is passed. Read Section 7.
Secretary: (reading) Section 7.
Mr. Chairman: If there are no objections to Section 7, read Section 8.
Mr. Cunniff: I ask consent to revert to Sections 2 and 3.
Mr. Chairman: No objections? You may do so.
Mr. Cunniff: I move that the word "that" be inserted after the word "them."
Mr. Chairman: If there are no objections the amendment may be made. The amendment shall be made.
Mr. Chairman: The word "therefrom" is misspelled. Secretary read Section 9.
Secretary: (reading) Section 9.
Mr. Chairman: Any objections to Section 9?
Mr. Franklin: In line 8, I think it should be mandatory upon the legislature to make appraisement and assessment,

and I move that the word "may" be stricken out and the word "shall" inserted.
Mr. Parsons: I find the same word in line 5, section 9, and I call the attention of the gentlemen to the fact.
Mr. Franklin: This leaves it to the legislature to use their own judgment and I think that it ought to be mandatory.
Mr. Chairman: Did I hear a second?
Mr. Parsons: I second the motion.
The motion prevailed.
Mr. Jones of Yavapai: I would like to refer back to Section 8.
Mr. Winsor: Before passing this Article, I suggest that we strike out the "th" after the word "20", as that is the form adopted.
Mr. Chairman: If there are no objections the correction will be sustained. It is so ordered. Any other objections to Article X? The committee of the whole recommends that Article X be adopted by the convention.
Mr. Hunt: I move that the committee now arise and report progress.
Mr. Feeney: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order and the gentleman from Yavapai, Mr. Goldwater, will report the progress of the committee of the whole.

Mr. Goldwater: "Mr. President, Your committee of the whole begs leave to report it has had under consideration Article Vll, lX and X, and respectfully recommends that the same be adopted as amended, and asks leave to sit again."

Mr. Winsor: I move the report of the committee be adopted.
Mr. Short: I second that motion.
The motion prevailed.
Mr. Goldwater: I move that the convention adopt Article No. Vll as amended.
Mr. Winsor: I second that motion.
The motion prevailed.
Mr. Goldwater: I move that Article lX be adopted as amended.
Mr. Short: Isecond that motion.
The motion prevailed.
Mr. Goldwater: I move that Article X be adopted as amended.
Mr. Crutchfield: I second that motion.
The motion prevailed.
Mr. President: The Article Vll, lX and X are now up for final adoption. The secretary will read Article Vll for final adoption.
Secretary: (reading) Article Vll.
Mr. President: The question now comes up on the adoption of Article Vll, entitled Suffrage and Election. The secretary will call the roll and those who are in favor of adopting Article Vll will answer aye; those opposed will answer nay.
Roll call showed 36 ayes and 11 nays.
Mr. President: Article Vll has been adopted by the convention. The question now comes up on the adoption of Article lX. Those in favor of adoption will answer aye and those opposed nay, as the secretary reads the Article and then calls the roll.
Secretary: (reading) Article lX.
Mr. President: Call the roll.
Mr. Baker: I move that Section 2 as read by the secretary be stricken out and Section 2 of the original Article be in-

serted in lieu.

Mr. Osborn: I second that motion.

Mr. President: Those in favor of the motion of the gentleman from Maricopa, Mr. Baker, will say aye; those opposed nay; as the roll is called.

Roll call showed 15 ayes and 31 nays.

Mr. President: The motion is lost.

Mr. Cassidy: I move that in Section 11 the words "boards of supervisors" be stricken out and the words "governor, secretary of the state, state auditor and state treasurer" be inserted in lieu thereof.

Mr. President: I hear no second. Call the roll on final passage.

Roll call showed 30 ayes and 17 nays.

Mr. President: Article No. 1X is adopted into the constitution of Arizona. I would like to ask the chairman of the printing committee when there will be some other printed matter ready for the convention?

Mr. Jones of Maricopa: Since the chairman is not present, I will say that Mr. Short has gone down there now, but we are promised sufficient work for a night session.

Mr. Feeney: I move that the convention take a recess until 7:30 o'clock this evening.

Mr. Franklin: I second that motion.

The motion prevailed.

Convention stood at recess until 7:30 p. m.

EVENING SESSION.

Mr. President: A quorum is present. Gentlemen of the convention, if there are no objections the convention will now resolve itself into a committee of the whole.

Mr. Cobb: Mr. President, before we go into Committee of the Whole, I would like to move that the entire debate which took place this morning over the recall be stricken from the record.

Mr. Bolan: I second the motion.

Mr. President: Gentlemen, of the convention, you have heard the motion.

Mr. Baker: Mr. President, I cannot understand any reason for that. I cannot understand the cause for it. Anything that any man says on the floor of this convention ought to be published; it ought to stand. Every man ought to stand by what he has said and by what he has done. There is no need of concealing anything. What each man has said, what each man has done upon the floor of this convention, should be let stand, and nothing be stricken out.

Mr. Goldwater: Mr. President, I would suggest that we cannot do that without putting in the record the motion made by the gentleman from Graham, Mr. Cobb, and to do that would just simply draw attention to the matter that had been omitted. It would make it worse.

Mr. Lynch: Mr. President, I understand that the motion embraced only the debate upon the initiative and referendum, and not the motions that were made. Now, I agree with the gentleman from Maricopa, Mr. Baker, that we should stand by anything we said, and I am willing to stand by what I said, but there were some remarks made in the heat of debate that I think would be better stricken from the record when it gets up to Washington.

Mr. Baker: Mr. President, I object to this convention being like jellyfish and spineless. Whatever a man has said on this floor, let it go for aye and nay forever and ever. There is no necessity of our crawfishing. It

is a disgrace to pass a thing of that kind. It is simply unmanly and improper.
Mr. Tuthill: Mr. President, I object to any such motion as that. I was in the very small minority today, but I am willing to let my words stand, and I think this magnificent majority ought to take the same stand.
Mr. President: Those in favor of expunging from the records the remarks that were made in regard to the recall will say aye; those opposed no. The nays have it.
Mr. Goldwater: It seems to me that my recollection is that the gentleman from Graham did not make any extended remarks on that subject.
Mr. Cobb: I was just going to make that explanation.
Mr. Goldwater: I think somebody has misled him into making this motion.
Mr. President: Gentlemen of the convention, if there are no objections the convention will now - - -
Mr. Cobb: I made that motion without the suggestion of anyone or without consulting with any one.
Mr. President: Go into committee of the whole with the gentleman from Yavapai, Mr. Goldwater, in the chair; so ordered.
Mr. Chairman: The committee of the whole will come to order. Gentlemen of the committee, the matter before the committee is consideration of the Constitution of Arizona in its printed form. The committee left off at Section 10 of Article X. If there are no objections, the secretary will read Section 10.
Secretary: (reading) Section 10, Article X.
Mr. Chairman: Section 10. Gentlemen, I call your attention to the words in the second line of this section. It seems to me there is a mistake there. The words "or lease" are in the wrong place, I think.
Mr. Cunningham: Change it by putting a comma (,) after the word "sale."
Mr. Chairman: "The legislature shall provide by proper laws for the sale of all state lands for terms not longer than five years." I think it should be "for the sale of all state lands, or lease, for terms not longer than five years." Put the "or lease" after the word "lands."
Mr. Lynch: Mr. Chairman, the committee when taking that up, my recollection is, we decided the form was proper, "the sale, or lease, for periods not longerthan five years."
Mr. Chairman: Look at it again, Mr. Lynch, and see whether you think it reads right.
Mr. Lynch: I would suggest, then that it be transposed in this way: "The legislature shall provide by proper laws for the sale of all state lands, or the lease of such lands for terms not longer than five years."
Mr. Chairman: You have heard the motion made by the gentleman from Graham county, that line 2 of Section 10 be changed so as to read: "The legislature shall provide by proper laws for the sale of all state lands, or the lease of such lands for terms not longer than five years." Are there any objections to the amendment? If not, it will be considered as adopted. Read Section 11.
Secretary: (reading) Section 11.
Mr. Chairman: Section 11. Are there any objections or amendments, gentlemen? That concludes Article X. Are there any objections or amendments to the Article ? If not, it will be considered as adopted by the committee of thewhole and recommended to the convention for its approval. Read Article XI. Title, "Education," Section 1.
Secretary: (reading) Section 1, Article XI.

Mr. Chairman: Section 1. Are there any objections or corrections to this Section? After the word "kindergarten schools" insert the word "common schools". Are there any objections? Any to Section 2? Any to Section 3? Any to Section 4? Any to Section 5? Any to Section 6? Any to Section 7? Any to Section 8?
(Speech by Mr. Ingraham omitted and sent to him)
(Speech by Mr. Osborn omitted and sent to him)
Mr. Jones of Yavapai: I would say that I agree heartily with the gentleman from Maricopa, and would like to say that I believe that that provision in the enabling act does not mean that the principle of this land shall be held and nothing but the interest used, but it means that it cannot be used for any other object than the object for which it was granted, which is the support of the schools of the state; therefore, I think the paragraph should remain as it is.
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Chairman: What are you going to do with the alfalfa? Are you going to put that into the fund?
Mr. Ingraham: I would say, Mr. Chairman, that the alfalfa does not belong to the state unless the state raises it.
Mr. Chairman: The enabling act says all the natural products of that land shall be put into that fund. Gentlemen, you have heard the motion. It is moved and seconded that section 8 be amended by inserting the words "or lease," on line 2, and striking out in the second paragraph the words, "and the rental derived from school lands." All in favor of the motion signify by saying aye; contrary minded no. The nays have it. The amendment is lost. Any objections to Section 9? Any to Section 10? Any to Section 11?
Mr. Cunniff: Mr. Chairman, I should like to point out there that Section 10 says: "The revenue for the maintenance of said schools shall be derived from the investment of the proceeds of the sale and rental." It seems to be in conflict with Section 8.
Mr. Ingraham: I will say further, Mr. Chairman, that in a half dozen places I could point out in the laws we have already adopted here that some principle is laid down that is in conflict with some other, and I think this convention is making a mistake.
Mr. Chairman: There is no motion before the house.
Mr. Jones of Yavapai: Mr, Chairman, I believe line 3 of this section was amended before the committee of the whole to make that read: "and the proceeds of the sale, and from the rental." I move that section be amended so there will be a comma (,) after "sale," and between the word "and" and "rental", insert the words "from the."
Mr. Crutchfield: I second the motion.
The motion prevailed,
Mr. Chairman: Are there any amendments to Section 11? If not, any to Section 12?
Mr. Cunniff: I beg to point out that these last two sections consist of Proposition No. 51 and Proposition No. 139.
Mr. Chairman: Are there any objections to Section 12? Any amendments? Gentlemen we have concluded the reading of Article Xl, entitled "Education." Are there any objections or amendments to the article as read? If not, it will be considered recommended by the committee of the whole for adoption. Hearing none, it is so ordered.
Article Xll, Counties, Section 1.
(Speech by Mr. Bolan omitted and sent to him)

Mr. Chairman: If you will excuse me for a minute. We have not got down to Section 5, which you are offering to amend.
Mr. Bolan: I wish to make this amendment when the proper time comes.
Mr. Chairman: Let us read Section 1.
Mr. Lynch: That calls to my attention that Sections 11 and 12 just read might better be placed in the constitution under the head of Miscellaneous or under Bill of Rights than in this place, and I move that the committee on compilation be so instructed.
Mr. Standage: I second the motion.
Mr. Crutchfield: That would be the natural first thought, but after consideration you will see that at least indirectly it was associated with education, and rather than have two small articles disarranged in the constitution, when this is a matter referring to reformatory institutions, and the confinement of children, minors, etc. If closely allied to the general system of education, I believe that by stretching a point we can let it stay there and have just one large article on education, and have this under it, rather than have a miscellaneous article with two small sections together.
Mr. Chairman: It is moved by the gentleman from Graham that Section 11 and 12 be placed in an article headed "Schedule and Miscellaneous." Are you ready for the question? All in favor of the motion say aye; contrary minded no. The amendment is carried. Are there any other objections or amendments to the article as read? If not, the clerk will read Article XII, entitled "counties." Any objections to Section 1? Any to Section 2?
Mr. Ingraham: "Statutes" ought to be singular instead of plural here.
Mr. Lynch: Mr. Chairman, I move that the letter "s" be stricken from the word "statutes."
Mr. Ingraham: I second the motion.
The motion prevailed.
Mr. Chairman: Are there any objections to Section 3?
(Speech by Mr. Winsor omitted and sent to him)
Mr. Ingraham: I second the motion.
The motion prevailed.
Mr. Standage: Mr. Chairman, I would like to amend that amendment just made. In the fifth line change the word "two to "four", so that their term of office shall be four years instead of two.
Mr. Osborn: I second that motion.
The motion failed to pass.
Mr. Chairman: Are there any objections or amendments to Section 4? If not, it will stand approved as read. The gentleman from Cochise, Mr. Bolan has the floor.
(Speech by Mr. Bolan omitted and sent to him)
Mr. Osborn: Mr. Chairman, I appealed to the convention the other day, and especially to "dear old Cochise", to give us in Maricopa county something that we thought was right, and they threw a rock at me, but just the same, I think the Cochise members in their demand for their county are right, but I want to move an amendment to the motion, and that is where the word "majority" appears that it shall read "60 per cent." I think we are giving the voters too much latitude, and we might make a mistake, but if we require 60 per cent to change a county seat we are perfectly safe.
Mr. Cunningham: Mr. Chairman, it seems to me we cannot get away from hobbies. We have been riding hobbies for two days. Every time the word "county" is named this

same amendment is presented and has to be threshed out again. Now, I hope we will not take up the time of this convention in discussing these matters one way or the other. It is embarrassing to me because it is not personally interesting to me to discuss this question. This body has been here in session all this time and we have been taking up the time in discussing various gentlemen's private ideas so much, and have always voted them down, and I hope the convention will vote as it has heretofore voted, and let us proceed with the work of the convention.

Mr. Chairman: The chair would suggest to the gentleman that what is a "hobby" in the daytime might be a "nightmare" at night.

Mr. Lynch: I would like to have that proposition read.

Mr. Chairman: The motion comes up on the amendment made by the gentleman from Maricopa that the word "majority" be changed to "60 per cent". As many as are in favor of the amendment being adopted say aye; contrary-minded no. The nays seem to have it. A roll call is demanded. As many as favor the adoption of the amendment offered by the gentleman from Maricopa that the word "majority" be stricken out in the original amendment and the words "60 per cent" be inserted will answer aye; as their names are called; contrary-minded no. Call the roll.

Roll call showed 11 ayes and 34 nays.

Mr. Chairman: The amendment is lost. The question now is on the original amendment offered by the gentleman from Cochise, Mr. Bolan, to Section 5.

Mr. Baker: Mr. Chairman, I myself would very much like to vote for this provision if I consistently could do so as a member of the constitutional convention. Were I a member of the legislature I would gladly vote for it, but as a member of the constitutional convention I cannot consistently vote for a constitutional provision to suit the condition of one single county out of fourteen.

Mr. Sims: I would like to say that we are in the fix we are in now because it was left to the legislature.

Mr. Connelly: That is going to cause a county fight for us, and I would like to amend that by saying that when the county seat is moved in Cochise county it will be moved to the city of Douglas.

Mr. Chairman: The question comes up on the original motion offered by the gentleman from Cochise, Mr. Bolan, to add a new section as Section 5. All in favor of the amendment will say aye; contrary-minded no. The nays have it. The motion is lost. Are there any other objections to Article X11?

Mr. Winsor: Mr. Chairman, I would like to ask permission to revert to Section 3 of Article X11. We just attached an amendment to that which was supposed to fix up this supervisor business and leave it just as it is at the present time, but I think there is still a discrepancy, and I move a furtheramendment as follows: that there be added to the end of the section the following words: "except that at the first election for county officers the candidate for supervisor receiving the highest number of votes shall be elected for a term of four years, and the two candidates receiving the highest number of votes shall be elected for a term of two years." Inasmuch as the present hold-over member for the board of supervisors will be out of office at the time of the first county election it appears that this is necessary.

Mr. Jones of Yavapai: Under the conditions of our present law, the hold-overs hold office until 1913, and you had better say so.

Mr. Winsor: It would be better to say that the hold-over members would hold their office that long if we wanted them, but I do not think we do. We will necessarily, it seems to me, elect three supervisors at the first county election. I think one should hold for four years and the other for two years, and then the old routine can be followed thereafter.

Mr. Chairman: I think the gentleman from Yuma does not understand himself.

Mr. Ingraham: Mr. Chairman, I would like to ask the gentleman from Yuma what would happen if the election should be in July.

Mr. Winsor: I would ask one of the gentlemen who does not think that covers the case to amend it so it will.

Mr. Lynch: After the first election it is but a short time until the legislature meets and it can then be adjusted. Therefore, I think it would be advisable to leave it just as it is.

Mr. Short: For how long are these supervisors to be elected?

Mr. Chairman: Does the gentleman from Yuma insist on his motion? There is no second to it.

Mr. Colter: I second the motion.

Mr. Chairman: Does the gentleman from Yuma insist on it being put?

Mr. Winsor: No, I do not, but I insist on someone making one that will cover the matter.

Mr. Chairman: Are there any objections to Section 1 of Article X111. We can refer back to this whenever the gentleman gets his idea worked out. Any objections to Section 2?

Mr. Cunningham: Before I forget it, I think I possibly have an idea. In the first line of section 1, after the word "corporations" should be inserted the words "other than counties," as a county is a municipal corporation under a former provision, and I move we insert that so as to cure any possible ambiguity that might exist.

Mr. Feeney: I second the motion.

Mr. Chairman: How about school districts?

Mr. Cunningham: That would perhaps be another question.

Mr. Chairman: Did you make that as an amendment?

Mr. Cunningham: I made a motion.

Mr. Chairman: It is moved and seconded that in line 1, Section 1, after the word "corporations" the words "other than counties" be inserted.

Mr. Baker: I think that would be a mistake. Whether or not a county is a municipal corporation is altogether owing to the matter in connection with which the word itself is used. It is very evident from this provision that the whole term would be confined to cities as well as municipalities purely, and I think if you would introduce an exception as to counties you might have a great deal of trouble about municipal corporations being created by special law.

Mr. Chairman: Are you ready for the question? All in favor of the amendment say aye; contrary-minded no. The amendment is lost. Any objection to Section 3? Any to Section 4? Any to Section 5? Any to Section 6? If not, it will be approved as read. Gentlemen, this concludes Article X111, Municipal Corporations. Are there any objections or amendments to be made to the Article? If not, it will be considered as recommended by the committee of the whole for adoption. The secretary will read Article XlV, Corporations other than Municipal.

Secretary: (reading) Section 1, Article XlV.

Mr. Chairman: Are there any objections or amendments to Section 1? Any to Section 2? Any to Section 3? Any to Section 4?

Mr. Franklin: Mr. Chairman, that section does not read to me like the section we amended here. I have a notation here on Proposition No. 22 that I made a motion to strike out line 18 of Proposition No. 22, from line 19 down to and including the word "contract,". Now Mr. Chairman, I move you that we strike out all of Section 4.

Mr. Cunningham: I second the motion.

Mr. Doe: I hope my colleague's motion will not prevail. It is not proper that if under existing laws a corporation forfeits its charter that some laws should be passed by some legislature through, corruption, fraud, or wrong, at the instance of that corporation, that they may be reinstated. This provision is to prevent that state of matters occuring. "But no general or special law shall be enacted for the benefit of such corporation, etc." That is perfectly right. If you are going to give them the benefit of any law it should be distinctly stated that that corporation shall thereafter hold their charter subject to the provisions of this constitution. I think it is wise to keep this provision in there.

Mr. Ingraham: I am opposed to striking out that section. It appears in the printed form before us exactly as my motion upon Proposition No. 22 shows it to have been amended in committee of the whole.

Mr. Cunniff: I would like to ask a question. This is the second time that section has been under attack. This is a proposition that was brought in by the committee on private corporations and banks, of which Mr. Roberts was chairman, and Mr. Keegan, Mr. Goldwater, Mr. Ellinwood, Mr. Tuthill, Mr. Tovrea, Mr. Winsor, Mr. Curtis and Mr. Wells were members, and I have heard no explanation from any of these gentleman as to why this paragraph was brought in.

(Speech by Mr. Franklin omitted and sent to him)

Mr. Baker: The trouble is it strikes out "no laws shall be enacted remitting the forfeiture of charter, or altering or amending the same."

(Speech by Mr. Franklin omitted and sent to him)

(Speech by Mr. Cunningham omitted and sent to him)

Mr. Chairman: You have heard the amendment offered by Mr. Franklin, that Section 4 be amended as to read, "no law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter." Are you ready for the question?

Mr. Baker: Just one word more. That immediately opens the door to the point that I would complain of; that is, that after a delinquent corporation had forfeited its charter, or it desired its charter to be altered or changed to its benefit by a corrupt legislature, they would do so then by saying, "we will hold our charter hereafter subject to the conditions of this constitution." I would rather have the last part of the clause stricken out.

Mr. Franklin: I accept that.

Mr. Cunniff: May Imake a third request for light on this subject? The last time this was under discussion I asked that some gentleman of the committee that brought that proposition in would explain why it was brought in and that clause was stricken out, "other than in the

execution of a trust created by law or by contract." I do not see why the whole thing should be in here unless the committee had some idea in mind when they brought it in.
Mr. Franklin: I think if the section reads now, "No law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter," although I do not think it is necessary.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Roberts: Mr. Chairman, I believe I was chairman of that committee and appointed Mr. Winsor chairman of a sub-committee, and I think when the thing was called up at the regular meeting of our committee that somebody suggested that Mr. Winsor brought out that proposition, and he was not there to explain it, and he never was there to explain it.
Mr. Winsor: And he is not here to explain it now.
Mr. Roberts: I would move an amendment that it be left to read as it is now.
Mr. Chairman: You have heard the amendment of the gentleman from Maricopa, to strike out all after the word "charter" on the third line, so that it shall read: "No law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter.
Mr. Winsor: I move to strike out the entire section.
Mr. Jones of Yavapai: I second the motion.
(Speech by Mr. Cunningham omitted and sent to him)
Mr. Weinberger: I think this section ought to be stricken out for the reason it is in conflict with Section 19 of the Legislative Proposition. This proposition states that no local or special laws shall be included in any of the special cases, and Section 13 is granting to no corporation, association or individual any special or exclusive privileges, immunities or franchises.
Mr. Chairman: You have heard the motion that Section 4 be stricken out. All in favor of that motion say aye; contrary-minded no. The ayes have it; so ordered. It could have been done fifteen minutes ago. Any objections to Section 5? Any to Section 6? Any to Section 7? Any to Section 8? Any to Section 9? Any to Section 10? Any to Section 11?
Mr. Winsor: Mr. Chairman, I move to strike out the comma (,) after the word "covers in the second line of section 12.
Mr. Chairman: If there are no objections the clerk will be instructed to strike it out as it appears in the original copy.
Mr. Baker: It seems to me that the Revision committee should take the last clause out of brackets. It looks odd to see that in brackets.
Mr. Chairman: It should not be in brackets, but one of the members of the committee wants it that way.
Mr. Cunniff: I second Judge Baker's motion to strike it out.
Mr. Chairman: If there is no objection it will be so ordered. Are there any other objections to Section 12? Any to Section 13? Any to Section 14? Any to Section 15? Any to Section 16? Any to Section 17? Any to Section 18?
Mr. Cunniff: Mr. Chairman, I move that that be taken out of that article and incorporated after Section 4 in the article following.
Mr. Wood: I second the motion.
Mr. Chairman: You have heard the motion that Section 18

be stricken from Article XlV and placed after section 14 in Article XV. All in favor say aye; contrary-minded no. The ayes have it; so ordered. Any objection to Section 19? Any objections to Section 20?

Mr. Winsor: Mr. Chairman, I will ask unanimous consent to refer back to Article Xll, that on Counties.

Mr. Chairman: If there are no objections to Article XlV, it will be considered adopted by the committee of the whole, and recommended to the convention for passage.

(Speech by Mr. Winsor omitted and sent to him)

Mr. Jones of Yavapai: I second the motion.

(Speech by Mr. Winsor omitted and sent to him)

Mr. Chairman: Are you ready for the question? All in favor of the motion will say aye; contrary-minded no. The ayes have it; so ordered. Are there any other amendments to Article Xll?

Mr. Lynch: If you are going to take up the next article, I wish to state there is an important proposition, and there are some differences of opinion on some points. I notice we have a number of absentees at this time. If the committee desires to take these matters up at this time, I will ask for a call of the house. In order to obviate that, I will move that the committee do now arise and report progress.

Mr. Osborn: I second the motion.

Mr. Winsor: Would it not be acceptable that we skip this and take up something else?

Mr. Lynch: I withdraw my motion with that understanding.

Mr. Chairman: If there are no objections we will turn to Article XVl, entitled "Militia." Are there any objections to Section 1? If not, the same will stand approved as read. Any objections to Section 2? Any objections to Section 3? If there are no objections to Section 3 of Article XVl entitled "militia" it will be considered approved as read. We will now consider Article XVll, entitled Water Rights. Are there any amendments or corrections to Section 1? Any to Section 2? Article XVll. Are there any amendments or objections? If not, it will be considered adopted by the committee.

Mr. Cunniff: I suggest that Article XVll be skipped and come up before a full house.

Mr. Chairman: If there are no objections we will take up Article XlX, entitled Mines. Are there any objections to Article XlX? If not, it will be recommended by the committee for approval. The next is Article XXl, Mode of Amendment. Are there any objections or amendments to Section 1?

Mr. Cassidy: Mr. Chairman, it seems to me that the word "proposed" should be inserted in two or three places. In paragraph 1, the third line from the bottom "shall submit such amendments;" it should be "such proposed amendment," and I move that the word "proposed" be inserted.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Cassidy: And in the fifth line on the next page, before the word "amendment" I move the word "proposed" be inserted.

Mr. Crutchfield: I second the motion.

The motion prevailed.

Mr. Cassidy: And also in the sixth line, before the word "amendment."

Mr. Cunniff: I second the motion.

Mr. Chairman: Without objection it is so ordered. Any other amendments? Any other objections or amendments to Section 1? Are there any objections to Section 2? Gentlemen, Article XXI, Mode of Amending. Are there any objections to the Article? If not, it will be considered approved by the committee of the whole and recommended for adoption. Article XXII, Schedule. Any objections to Section 1? Any to Section 2? Any to Section 3? Any to Section 4? Any to Section 5? Any to Section 6? Any to Section 7? Any to Section 8? Any to Section 9? Any to Section 10? Any to Section 11? Any to Section 12? Any to Section 13?

Mr. Ingraham: Mr. Chairman, I have an amendment to offer that the number of the last section be changed and that Section 13, 14 and 15, and 16, be added as indicated on this paper. These are omissions I have found in looking over the general constitution. I will say that we have in many places in the constitution a provision like this: "No law shall be enacted," concerning a certain subject, but we already have laws upon the statute books, and the question of construction might arise as to whether the constitution would repeal a law already on the statute books when the legislature was forbidden by this constitution to enact such a law, and this clause declares that such a law shall be declared repealed.

Mr. Feeney: I second the motion.

Mr. Weinberger: I would like a little time to think over that last section.

Mr. Hunt: You can amend it tomorrow when it comes up for third reading.

Mr. Ingraham: If the legislature is forbidden to enact a certain law the law now in force ought to be repealed by that clause.

Mr. Cassidy: I would like to hear read the first section of this amendment. It seems to me that it is already covered.

Mr. Ingraham: I will accept that suggestion and strike out that first section and change the numbers accordingly. It is covered in Section 4 at the top of page 83.

Mr. Chairman: You have heard the motion of the gentleman from Yuma, that three sections be added. All in favor of the motion say aye; contrary-minded no. The ayes have it; so ordered. Any other objections or amendments to Article XXII? If not, it will be considered by the committee as approved and recommended for adoption. Gentlemen, this concludes the work of the committee of the whole for this evening. All in favor of the committee now arising and reporting progress and asking leave to sit again say aye; contrary-minded no. The ayes have it, so ordered.

The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

Mr. Goldwater: "Mr. President: Your committee of the whole, having had under consideration the Constitution of Arizona, begs leave to report progress and asks leave to sit again."

Mr. Cunniff: Mr. President, I move that the report be accepted.

Mr. Langdon: I second the motion.

The motion prevailed.

Mr. Goldwater: Mr. President, I move that the amendments offered by the committee of the whole be adopted.

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Ingraham: Mr. President, I move we adjourn until 9:30 tomorrow morning.

Mr. Goldwater: I second the motion.

The motion prevailed.
Convention stood adjourned to 9:30 a.m. December 8, 1910.

JOURNAL, December 8, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Read the minutes.
Minutes read and approved.
Mr. President: Gentlemen of the convention, do you want to adopt what we got through with yesterday, before going into committee of the whole? What is the pleasure of the convention?
Mr. Jones of Maricopa: I suggest that course, Mr. President. Adopt what we took up last night.
Mr. President: Gentlemen of the convention, we will read Article X, - State and School Lands,- for final adoption. The secretary will proceed to read.
Secretary: (reading) Article X, State and School Lands.
Mr. President: The question comes up on the adoption of Article X, State and School Lands. Those in favor of the adoption of Article X will answer aye, as their names are called; those opposed will answer nay. The secretary will call the roll.
Roll call showed 44 ayes and no nays.
Mr. President: Article X has been adopted by this convention. We will take up Article Xl, Education. The secretary will read Article Xl.
Secretary: (reading) Article Xl, Education.
Mr. President: The question comes up on the adoption of Article Xl, entitled, Education, into the constitution of Arizona. Those in favor of the adoption of Article Xl will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Mr. President: Article Xl, Education, has been adopted into this Constitution. We will now take up Article Xll, Counties.
Secretary: (reading) Article Xll, Counties.
Mr. Jones of Yavapai: Mr. President, I move in Section 3, afterthe word "sheriff" and after the word "recorder" and after "treasurer", after the word "school superintendent, "county attorney", "assessor," and "county superintendent of roads," the semi-colon (;) be changed to a comma (,).
Mr. President: If there is no objection the semi-colon will be stricken out and a comma inserted. Hearing none, it is so ordered. Call the roll on Article Xll, Counties.
Roll call showed 44 ayes and no nays.
Mr. President: Gentlemen, Article Xll, Counties has been adopted into this Constitution. Next will be Article Xlll, Municipal corporations.
Secretary: (reading) Article Xll, Municipal Corporations.
Mr. President: The question comes up on the adoption of Article Xlll, Municipal Corporations. Those in favor of the adoption of Article Xlll will answer aye as their names are called; those opposed will answer no.

Secretary will call the roll.
Roll call showed 45 ayes and 1 nay.
Mr. President: Gentlemen, Article X111, Municipal Corporations, has been adopted into our Constitution. We will now take up Article X1V, Corporations other than Municipal. The secretary will read.
Secretary: (reading) Article X1V, Corporations other than Municipal.
Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article X1V, Corporations other than Municipal. All those in favor of the adoption of this Article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 40 ayes and 7 nays.
Mr. President: Gentlemen, Article X1V has been adopted into this constitution.
Mr. Cunniff: Mr. President, I would ask unanimous consent to refer to the Article on Suffrage and Election. When we came to enrolling Section 13 last evening we found that as amended Section 13 reads as follows: Questions upon bond issues or special assessments shall be submitted to a vote of property taxpayers who shall also in all respects be qualified electors of the state and of the political subdivision thereof affected by the question." This was the copy given to me by the secretary as adopted. If the phrase is "such question" that brings it out.
Mr. President: If there is no objection, Mr. Cunniff will be instructed to insert the word. Gentlemen of the convention, we will take up Article XV1, entitled Militia. The Secretary will read.
Secretary: (reading) Article XV1, Militia.
Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article XV1, entitled Militia, into our Constitution. Those in favor of the adoption of this Article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Mr. Moeur: I would like to explain my vote. I object to putting able bodied men in there and I think we should take the scrubs, but I vote aye anyhow.
Roll call showed 46 ayes and 1 nay.
Mr. President: Article XV1 has been adopted, gentlemen, into out constitution. We will take up Article XV11, Water Rights. The secretary will read.
Secretary: (reading) Article XV11, Water Rights.
Mr. President: Gentlemen, the question comes up on the adoption of Article XV11, Water Rights, into our Constitution. Those in favor of the adoption of this article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 47 ayes and no nays.
Mr. President: Article XV11 has been adopted by this convention. We will now take up Article X1X, Mines. The secretary will read.
Secretary: (reading) Article X1X, Mines.
Mr. President: Gantlemen, the question comes up on the adoption of Article X1X, Mines, into our Constitution. Those in favor of the adoption will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 46 ayes and no nays.
Mr. President: Article X1X, Mines, has been adopted by

this convention. The next article will be Article XXl, Mode of Amending. The secretary will please read.
Secretary: (reading) Article XXl, Mode of Amending.
Mr. President: Gentlemen, those in favor of the adoption of Article XXl, Mode of Amending, will answer aye as their names are called; those opposed will answer nay. The secretary will call the roll.
Roll call showed 39 ayes and 7 nays.
Mr. President: Article XXl has been adopted by this convention. Gentlemen, we will now take up Article XXll, Schedule.
Secretary: (reading) Article XXll, Schedule.
Mr. Cunniff: Mr. President, this is not debatable at this time, but Section 15 looks a little bit doubtful: "Any law of the territory of Arizona in force at the time of the admission of the State into the Union shall be considered as repealed by this constitution, if the enactment of such law by the legislative power of the state is forbidden by this constitution." If certain things were permitted, or have been permitted by law, and the law has not been repealed, according to another section in our constitution these laws remain in effect until they are definitely repealed, and this constitution merely prevents the operation of anything that is repugnant, to this constitution, - nothing that is forbidden by this constitution. It seems to me that we ought to have a clear idea of these specific laws that there may be that are forbidden by the legislative power of the state to enact subsequent. It seems to me we were a little bit hasty in adopting this last article.
(Speech by Mr. Ingraham) omitted and sent to him)
Mr. Crutchfield: I move that it be stricken out.
(Speech by Mr. Ingraham omitted and sent to him)
(Speech by Mr. Weinberger omitted and sent to him)
Mr. Cunniff: Mr. President, from place to place, all the way through out constitution, we have adopted a clause which says that no laws shall be enacted doing thus and so. It seems to me the orderly way, if there are any laws that should be repealed, would be to repeal them one by one as these laws are discovered, and not put a blanket provision in like this; therefore, I move that this section be indefinitely postponed.
Mr. Jones of Yavapai: I second the motion.
Mr. Ingraham: I would say that unless there is some similar provision put in there will more inequity creep into this constitution under this provision than the members now dream of. It permits the legislature, by simply allowing the present laws to stand on the statute books, to avoid the prohibitions of this constitution. When we prohibit certain things we mean there shall be no laws concerning such things, and now this convention proposes to allow the legislature to continue such a law, perhaps for a hundred years. These laws will never be repealed unless they are repealed by the action of the legislature.
Mr. Lynch: Mr. President, I think if the gentleman from Yuma will stop to consider a moment, he will see his position is not well taken. Under the provisions of the enabling act "all laws of the said territory in force at the time of its admission into the Union shall be in force in said state until changed by the legislature of the state, except as modified or changed by this act or by the constitution of the state." In other words, if in our constitution we have changed a law or qualified it or deter-

mined that no such law shall exist, and we have suspended absolutely the operation of that law, whether it is changed by the legislature or not. It is absolutely of no force whatever, without any further action.

Mr. Ingraham: The gentleman does not catch my point yet. It is true if we qualify a law then the law is repealed under the terms of the enabling act, but we simply say that the legislature shall enact no law concerning this thing or that, or if they say that no law shall be enacted that does not repeal the present law. The present law would stand forever under this provision, in spite of the prohibitions of the constitution. If that provision is not included there must be something similar to that provision, and as the schedule is now being completed this is our last opportunity.

Mr. Cunniff: I submit that where the constitution has changed a law that is what we meant to do, and that is all well and good in places where we have done it, but in places where we did not intend to do it we followed the same procedure that is followed in other states, of saying that all laws in existence that are repugnant to the constitution, which have not been repealed by this constitution, shall remain in force until one by one they are repealed by the legislative power of the state, and it seems to me that is the wise and orderly way to go about it, and not make a sweeping provision of this kind.

Mr. Weinberger: I will say further, that I believe that the legislature can correct any of these contradictions that may appear.

Mr. Cassidy: Mr. President, I was in favor of this section, but sinceMr. Weinberger has pointed out that it might operate to repeal the special charters in some way of the cities, I think I will have to vote against it. I believe that is a very important point that Mr. Weinberger has brought up, and I feel that this convention should not under those circumstances adopt this section. I was in favor of it, but since the objections have been pointed out I am certainly of the opinion that it ought not to pass.

Mr. Ingraham: I will make an amendment, Mr. Chairman, that this shall not be construed to extend to charters of cities or towns.

Mr. Weinberger: I will submit that will not help matters any.

Mr. President: There is no second to the motion.

Mr. Cassidy: Mr. President, it seems to me that the heading of this article ought to be amended so as to read "Schedule and Miscellaneous", because we have put some things in here that really are not schedule, and I moved that it be changed to read "Schedule and Miscellaneous."

Mr. Cunniff: Mr. President, I would suggest that we postpone final action on this matter. There are still three or four propositions that have not been acted on in the committee of the whole, and I think they are not yet returned from the printer. One is proposition No. 93, which should have been incorporated in legislative but we did not have it in time. One is the state examiner, and the other is the provision requiring that all officers shall receive definite salaries and shall not receive fees for their own use. These must be incorporated under the head of "Miscellaneous", and I therefore, move that final action on this be postponed until later in the day when those matters are back and all these things can be incorporated and the heading changed.

Mr. Short: I would say further, Mr. President, that those

printed articles will be here in twenty minutes.
Mr. President: If there are no objections we will postpone this temporarily.
Mr. Crutchfield: What has become of the two sections referred to-- Juvenile court and penal institutions?
Mr. President: The chair will recognize the gentleman from Cochise, Mr. Bradner.
Mr. Bradner: I have a resolution, Mr. President.
(Speech by Mr. Cunniff omitted and sent to him)
Mr. Osborn: Mr. President, I have a memorial here I would like to have read.
Mr. Short: I would like to ask the gentleman from Yavapai, Mr. Cunniff, the status of Election Ordinances No. 1.
Mr. Cunniff: Election Ordinance No. 1 has never been referred to the revision committee, as I understand, it is in the secretary's hands, and was referred by the committee to a select committee to fill in some dates. I understand it is awaiting the action of that committee, which cannot act, as I understand, until we have a definite understanding of the time at which we will adjourn. I would suggest that the election ordinance be sent to the revision committee in the interim so we may report on the revised copy of it.
Mr. Winsor: I have the special election ordinance in my hands, referred to me by the secretary. I think the suggestion of the gentleman from Yavapai is a good one. That it should be referred to the committee on style and revision, for the sub-committee will not be able to report until we know when we will adjourn.
Mr. President: If there is no objection it will be referred to the committee so ordered.
Secretary: (reading) Resolution No. 22, introduced by Mr. Bradner, of Cochise county, inviting the bids from the newspapers of Phoenix for printing the constitution of Arizona.
Mr. Wood: I move the adoption of the resolution.
Mr. President: You have heard the resolution. The question comes up on the adoption of Resolution No. 22. The ayes have it; so ordered. Read the memorial Mr. Osborn.
Secretary: (reading) Memorial No. 2, introduced by Mr. Osborn of Maricopa county, relating to election for ratification of constitution.
Mr. Osborn: I move the adoption of the memorial.
Mr. Standage: I second the motion.
Mr. President: You have heard the memorial. The question comes up on the adoption of the memorial---
(Speech by Mr. Ingraham omitted and sent to him)
Mr. Osborn: Mr. President, Congress would have to take action right away to give us any benefit under this memorial, and I believe they will do that. In answer to the gentleman from Yuma, I would say that we can set the date for the election in our ordinance, and say unless otherwise provided by an act of Congress, which I think would do away with this objection.
Mr. President: The question comes up on the adoption of the memorial. Any other remarks? Those in favor of the adoption of the memorial will answer aye; those opposed will answer no. Call the roll. Those in favor of the adoption of the memorial will answer aye as their names are called. Those opposed will answer no.
Mr. Cunniff: I have given considerable thought to that resolution since I first saw it, and the more I think of it the more it seems to me that this action will be of no great value or assistance, and it seems to me it is the wise plan to let things ride as they are, and let the

convention set the date of the election within the terms of the enabling act, and do not try to be in too great a hurry.

Mr. Osborn: Mr. President, can the gentleman from Yavapai point any one instance where it will work to the disadvantage of the territory? It may not do any good, but it certainly cannot do any harm.

Mr. President: Call the roll.

Roll call showed 17 ayes and 32 nays.

Mr. President: The motion is lost.

Mr. Short: I have a resolution that I would like to offer.

Secretary: (reading) Resolution No. 23, introduced by Mr. Short of Yuma county, in regard to the election of a vice-president of this convention, to act in case of failure or inability of the president to perform the duties named in the election ordinance.

Mr. Jones of Maricopa: I second the resolution.

Mr. President: You have heard the resolution.

Mr. Short: In explanation of that I would like to say that I think it would be a wise precaution for this convention to take some action in the way of a provision for somebody to act in the election matters in case of the inability, or sickness, or death of the President, toact in that capacity, and have prepared an amendment to each of the election ordinances which would provide that the vice-president should act in the case of the inability of the President to act in this matter.

Mr. President: Those in favor will answer aye; those opposed will answer no. The ayes have it; so ordered. Gentlemen of the convention, if there is no objection we will go into committee of the whole now to consider Article XV, Article XVlll, and any others. The gentleman from Yavapai, Mr. Goldwater, will take the chair.

Mr. Chairman: The committee will come to order. We have under consideration Article XV, corporation commission, page 69. Any objection to Section 1? Section 2, if there are no objections.

Mr. Ellinwood: Mr. Chairman, in the third line from the last: "All corporations other than municipal, operating as common carriers, or having or exercising the right of eminent domain, shall be considered public service corporations." If you will turn to Proposition No. 94, your Declaration of Rights, you will see that the right of eminent domain is given for flumes, bridges, sewerage, and very many other things. It is given to all private corporations, and if you fail to amend this it simply does what the convention had already decided not to do. I move to amend after the word "all" in the third line from the last: "All public service corporations, other than municipal, etc."

Mr. Tovrea: I second the motion.

(Speech by Mr. Lynch omitted and sent to him)

Mr. Ellinwood: It is only the substance of the matter I gought to have taken care of. I accept the amendment.

Mr. Chairman: The question is on the amendment offered by the gentleman from Cochise, seconded by the gentleman from Graham, to section 2, to strike out on the last two lines the words: "or having or exercising the right of eminent domain." Are you ready for the question?

Mr. Cunniff: Mr. Chairman, it seems to me that the points made by the gentleman from Cochise and the gentleman from Graham are well taken. There is a definite idea in mind in that paragraph, but I think they reach the point when they say the language is too sweeping; therefore, I am in favor of the amendment.

(Speech by Mr. Ingraham omitted and sent to him)

(Speech by Mr. Lynch omitted and sent to him)

(Speech by Mr. Short omitted and sent to him)

Mr. Ellinwood: Mr. Chairman, I wish to call the attention of the gentleman from Yuma, Mr. Short, who is generally so correct, to section 17 of the Declaration of Rights. He states we are in error, that private property may not be taken by an individual. "The rights of eminent domain is accorded, etc."

(Speech by Mr. Cunniff; omitted and sent to him)

Mr. Chairman: Are you ready for the question, gentlemen? The motion is to strike out on the last two lines of Section 2, the words "or having or exercising the right of eminent domain." Those in favor of that motion will manifest by saying aye; contrary-minded no. The ayes have it. The section is so amended. Are there any objections or amendments to Section 3?

Mr. Cunniff: I would like to call attention to the amendment made by Mr. Goldwater in which the word "oil" was introduced after the word "gas" at the end of the second line. After that passed in the committee of the whole that evening, I called attention to the fact that that language was wider than was intended. Any corporation furnishing oil for light, fuel or power was thereby made a public service corporation. In spite of the fact that I should like to see the Standard Oil Company and Union Oil Company made public service corporations, or at all events brought under control of this commission, it seems to me any corporation furnishing oil may be a grocery store or a department store, or something of that kind, and the language used there is too sweeping.

Mr. Short: Mr. Chairman, I would say that the committee overlooked the oil proposition when we were getting this proposition up, and we are indebted to the chairman for correcting us. Inasmuch as he used great effort to get this inserted I think we should appreciate that effort and allow it to remain, inasmuch as it seems to be a very good thing and tends to regulate the greatest monopoly and corporation in the United States.

Mr. Chairman: Are there any other amendments offered to Section 2? If not, any amendments to Section 3? Any to Section 4? Any to Section 5?

(Speech by Mr. Crutchfield omitted and sent to him)

Mr. Ellinwood: Mr. Chairman, I would like to offer an amendment to the proposition, which I think the gentleman from Maricopa will accept in the spirit and substance of what he has said. As I understand, he has moved to insert after "Affairs" the words "or of any corporation offering stock for sale, or." I move to add the words: "to the public." No corporation could be organized except its stock is offered for sale. If the gentleman from Maricopa and myself and the chairman should organize a corporation, the very first thing we have got to offer our stock. If there are no stockholders there is no corporation. I move to add these words "to the public."

Mr. Short: Mr. Chairman, this looks as if it might be a wise provision, but it does not mean anything. If I organize a company to sell stock, and wish to avoid this provision in the constitution, all that is necessary - - -

Mr. Cassidy: I rise to a point of order. Is there anything before the committee?

Mr. Chairman: The motion made by the gentleman from Maricopa.

Mr. Cassidy: It was not seconded.

Mr. Chairman: Mr. Ingraham seconded it.
Mr. Short: All that company has to do is to put the stock in the hands of somebody else to sell. Then the corporation is not offering it for sale. They will have absolutely nothing to do with the sale of stock. They do not have any stock to sell to anybody. This individual can buy it and pay for it with a note, and then offer it for sale to whom he pleases, without any restriction. This would be a wise provision if it effected the purpose for which it was intended, but it does not do it.
Mr. Parsons: If that is the only objection the gentleman from Yuma has, I would suggest that the gentleman from Maricopa might change the wording of his amendment, have it read to this effect: "Of any corporation whose stock shall be offered for sale to the public."
Mr. Crutchfield: I accept that amendment.
Mr. Ellinwood: I withdraw my amendment.
Mr. Moeur: I do not see how this commission is going to determine whether this stock is good or bad. It does not strike me that this constitution should try to protect all the fools in Arizona.
Mr. Colter: According to that, then, put in every one -- the Copper Queen and all.
Mr. Cunniff: Mr. Chairman, Arizona has been held up before this nation by Collier's Weekly and other publications, because of the permission that it grants to wildcat companies to come here and fleece the public by selling their stock, and for a long time there has been an effort made, and I beg to say that the democratic party of Arizona is on record as urging and forwarding any proposition that was a sound and wise one, that would succeed in removing this block from the name of Arizona, andit seems to me this is the wisest solution of the problem before us that I have seen offered yet. This proposition will be one of the most valuable and important to put into the constitution, not only for the people of Arizona, but for the good faith and reputation of Arizona all over the country. (applause.)
Mr. Ingraham: Mr. Chairman, I would say that this proposition of investigation of concerns putting out stock is right in line with the reforms advocated by two of the most recent Presidents of the United States--Roosevelt and Taft. They have both sought to put into the general law measures by which stock could be prevented and all issuing of stock could be regulated. This is a mere step along that line. It authorized the corporation commission to investigate the financial condition of any such corporation. Certainly there cannot be any harm in that.
Mr. Chairman: The question is on the motion of the gentleman from Cochise, Mr. Parsons, to amend Section 4 by inserting after the word "affairs" the words "of any corporation whose stock shall be offered for sale to the public, and."
Mr. Crutchfield: I do not accept the amendment "to the public."
Mr. Ellinwood: Then I move a further amendment, that the words "to the public" be added.
Mr. Crutchfield: Is the question on the amendment?
Mr. Chairman: Yes.
Mr. Crutchfield: I should like to say that I do not like the looks of that last amendment: I believe there is a possibility of that entirely destroying the purpose that we intend. It might be interpreted to mean that when a certain legal procedure of advertising was gone through with in order to secure buyers, and I think it should be

a corporation whose stock is offered for sale.

Mr. Franklin: Mr. Chairman, in looking over this section it is not intended to repeal the interstate commerce commission, is it?

Mr. Tuthill: Yes, this supersedes the constitution of the United States.

Mr. Chairman: Those in favor will say aye as their names are called; contrary-minded will answer no. The secretary will call the roll.

Roll call showed 24 ayes and 20 nays.

Mr. Chairman: The amendment is carried. The question now is on the amendment to Section 4, offered by the gentleman from Maricopa, Mr. Crutchfield, as amended. Are you ready for the question? All in favor of the amendment will answer aye, contrary-minded no. Call the roll.

Mr. Crutchfield: I will just say that while the amendment made is not according to my purpose at all, yet I feel that it is a good one the way it is. It reaches 90 percent of the corporations that the amendment intended to reach, and I trust that every one interested will vote for it. I believe it is a valuable adjunct to the supervisory power of our corporation commission, and if we are really sincere in our purpose and intention, we ought to vote for the amendment as it stands, even amended as it is.

Mr. Colter: Does it not apply to very nearly all the private corporations?

Mr. Crutchfield: I reply, it will apply to all corporations offering stock for sale.

Mr. Webb: Mr. Chairman, I desire to answer the question asked by Mr. Colter. It certainly does, and the closest or smallest corporation, if any stockholder, though he owned but one dollar of stock, if he offered that dollar for sale, would come under this provision. I submit, gentlemen, that this commission will have more than they can handle. You might just as well go back and insert what you struck out in Section 2. Now you insert that any corporation whose stock shall be offered for sale to the public. If any stockholder offered 25 cents worth of stock for sake to the public,---

Mr. Cunniff: Mr. Chairman, I should like to point out that the gentleman from Graham is absolutely mistaken; that it does not cover all corporations no matter how small. The amendment offered by the gentleman from Cochise, Mr. Ellinwood, cut out these close corporations, but the proposition now I agree with the gentleman from Maricopa, covers 90 percent of the ground that it was intended to cover, but it does not cover the close corporations, who do not offer their stock to the public.

Mr. Colter: I would like to say that to the ditch companies, the reservoir companies--we want to give every encouragement that is possible for the opening up of these new companies, and they all have offered stock for sale.

Mr. Moeur: There is no man who wants protection from being "skinned" any more than I do, because I do not run a skin game. I believe this section will be a detriment to the prosperity of Arizona, and therefore, I vote against it.

Mr. Cunniff: I would like to point out in answer to the gentleman that I am interested in a corporation that has spent one hundred and fifty thousand dollars and it is a close corporation. It has not offered any stock to the public and will not offer any stock to the public, and it does not come under this clause. Though I supported the proposition originally, I see no reason why it should not

come under this provision.
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Colter: Mr. Chairman, Mr. Crutchfield's argument is all very good in theory but it certainly is not in practice. We all want to do that which keeps away disgrace, but we do not want to take a medicine where the cure will do more harm than the disease. You are giving us something here now that will cause a lot more harm than it will do good.
(Speech by Mr. Ellinwood omitted and sent to him)
Mr. Cunniff: All I wish to add is that I am surprised that the gentleman from Apache should be endeavoring to kill something that is good.
Mr. Chairman: Are you ready for the question? As many as are in favor of the amendment will say aye as their names are called; contrary-minded no. Mr. Secretary call the roll.
Mr. Short: I would like to explain my vote. If this matter has been decided satisfactorily to the gentleman from Cochise and the gentleman from Yavapai, I desire to vote aye.
Roll call showed 25 ayes and 22 nays. (applause)
Mr. Chairman: The amendment iscarried. Are there any other objections to the section?
Mr. Feeney: I move that the committee now arise and report progress and ask leave to sit again.
Mr. Parsons: I second the motion.
The motion prevailed.
The President resumed the chair.
Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.
Mr. Goldwater: "Mr. President, your committee of the whole, having had under consideration the constitution of Arizona, begs leave to report progress and asks to sit again."
Mr. President: Those in favor of the adoption of the committee's report will answer aye; opposed no. The ayes have it; so ordered.
Mr. Parsons: Mr. President, I move the convention stand at recess until 2 p.m.
Mr. Feeney: I second the motion.
The motion prevailed.
Convention stood at recess until 2 p.m.

AFTERNOON SESSION.

Mr. President: The convention will come to order. A quorum is present.
Mr. Cunniff: Mr. President, we passed a resolution this morning by which we decided to elect a vice-president of this convention. I nominate Mr. Morris Goldwater for the position of vice-president.
Mr. Coker: I second the nomination.
Mr. President: It has been moved and seconded that Hon. Morris Goldwater of Yavapai, be elected vice-president of this convention. Those in favor will answer aye; opposed nay. The ayes have it,
Mr. Goldwater: Gentlemen of the convention, I thank you for the honor you intend to convey, but I want to say that this is entirely unexpected. All I can say to you is that under this office I do not expect to have any duties to perform. I certainly hope that our good President may remain with us until he shall have safely steered into the harbor of statehood the territory of Arizona. (applause)
Mr. President: Gentlemen of the convention, Resolution No.

21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the democratic side the gentleman from Maricopa, Mr. Cassidy; and from the republican side, the gentleman from Coconino, Mr. Hutchinson. (applause).

Mr. President: Gentlemen, if there is no further business, the convention will resolve itself into the committee of the whole to take up the matter left open this morning, and the gentleman from Yavapai, Mr. Goldwater, will take the chair.

Mr. Chairman: The committee will come to order. The subject under consideration is the constitution of Arizona, Article XV, Corporation Commission, Section 5 as in the printed bill but Section 6 as in the amended bill. Are there any objections to Section 6? Are there any objections to Section 7? Any to Section 8? Any to Section 9?

Mr. Short: Section 9 doesn't seem to be all of the section. I was under the impression there was more to that section.

Mr. Wills: The numbers are different.

Mr. Chairman: Yes, of course. If there are no objections to Section 9, which is Section 8 of the printed copy, we will consider Section 9 of the printed copy which will be Section 10 of the engrossed copy. Are there any objections or amendments to Section 10? I would like to ask whether Pullman sleeping cars are included in this?

Mr. Parsons: It says "car companies."

Mr. Chairman: It might say sleeping cars. Any objections to Section 11? Any to Section 12?

Mr. Short: Mr. Chairman, if I remember right, it was the sense of the committee that that should read "an act of congress approved February 11, 1887," and I think it should be so amended. I move to strike out "of" on the third from the last line on page 23 and insert "approved."

Mr. Cunniff: There may be no doubt as to whether the act was approved by the President on that date or not.

Mr. Short: We can determine that in a moment by looking up the Interstate commerce act.

Mr. Chairman: Any objections to Section 13?

(Speech by Mr. Ellinwood omitted and sent to him)

Mr. Cunniff: Mr. Chairman, I beg to say that I do not see where the argument of the gentleman from Cochise applied to this at all.

Mr. Osborn: Mr. Chairman, I would like to ask the gentleman from Cochise if this is any more drastic than the amendment they voted for this morning?

Mr. Short: I rise to a point of order. I would like to know who seconded Mr. Ellinwood's motion?

Mr. Ellinwood: I have not heard any second. The other evening when I moved to strike this paragraph out I do not think anybody had the nerve to second it.

Mr. Weinberger: I second the motion.

(Speech by Mr. Short omitted and sent to him)

Mr. Chairman: Are you ready for the question? The chair would like to say he thinks the thing is just turned around. I think the basis they fix for their rate should be the basis on which they should be taxed by the assessor. They have the cart before the horse in this proposition. All those in favor of the amendment of Mr. Ellinwood will answer aye as their names are called; contrary-minded no. Call the roll.

Mr. Crutchfield: In explanation of my vote, I think there is an injustice done here somewhere, but I do not know how to remedy it, and I vote no.

Roll call showed 25 ayes and 21 nays.

Mr. Chairman: The amendment is carried. Are there any other amendments to Section 13?
Mr. Parsons: Mr. Chairman, I desire to offer an amendment to line 1, Section 13, which is section 12 of the printed copy. After the word "corporations" in the first line, to make this consistent with the amendment we adopted this morning, add the words "and all corporations whose stock shall be offered for sale to the public."
Mr. Chairman: Does the chair hear a second to that motion?
Mr. Feeney: I second the motion.
Mr. Chairman: The question is on the amendment offered by the gentleman from Cochise, Mr. Parsons, that after the word "corporations" in line 1, of Section 13, the words "and all corporations whose stock shall be offered for sale to the public" be added. As many as favor this amendment say aye; as their names are called; contrary-minded no.
Mr. Parsons: I desire simply to say that in Section 4 we added the words: We gave the corporation commission the power to investigate the affairs of all such corporations. Now in Section 13, where I desire the amendment placed, is simply requiring that same class of corporations to report to the commission, and it seems to me that it simply supplements what we did this morning, for the committee having the right to investigate them certainly ought to have the right to require reports from this class of corporations.
Mr. Cunniff: Mr. Chairman, it seems to me that is simply carrying out what we did this morning. It is the logical thing to put in there.
Mr. Chairman: The secretary will call the roll.
Roll call showed 25 ayes and 22 nays.
Mr. Chairman: The amendment is carried. Are there any other amendments to Section 13? Any to Section 14? Any to Section 15? Any to Section 16? Any to Section 17? Any to Section 18? Any to Section 19?
Mr. Cunniff: Mr. Chairman, I ask permission to revert to Section 12, and ask Mr. Jones if he looked up that act of Congress.
Mr. Chairman: Are there any amendments or objections to Section 19? If not we will revert to Section 12.
Mr. Jones of Maricopa: I have a copy of the interstate commerce law, and I know it was approved February 11, 1887, and has been subject to six or eight amendments. I therefore, move that in Section 12, the third line from the bottom, that the word "of" be stricken out and the word "approved" be substituted.
Mr. Jones of Yavapai: I second the motion.
The motion prevailed.
Mr. Bolan: Mr. Chairman, I would like to add to Article 12 the following: "The corporation commission shall have the power to put a fair valuation on all public service corporations and may base charges and rates thereon."
Mr. Feeney: I second it.
Mr. Chairman: That is an amendment to Section 12 as I understand it.
Mr. Parsons: Mr. Chairman, it seems to me that what is sought to be accomplished by that is provided for in Section 14 of the act. "The corporation commission shall, to aid it in the proper discharge of its duties, etc."
Mr. Cunniff: Mr. Chairman, the gentleman who offers the amendment I think is a worthy man, and I think he knows that the work of fixing rates is the most complicated subject in the economic world. There are all sorts of things to be taken into consideration in fixing rates, and

it would be much too hasty a movement on our part. The matter can be gotten at under the powers given to the corporation commission, but it will take some time, and for a corporation commission in one year to fix the valuation for the public service corporations in the territory would be a big task. The amendment contemplates too much.
Mr. Colter: Mr. Chairman, I would like to make a motion that Article XV be indefinitely postponed.
Mr. Chairman: You are out of order.
Mr. Bolan: I will withdraw my motion.
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Short: The idea is all right. Is there anything before the committee?
Mr. Chairman: There is nothing before the committee except the consideration of Article XV. Are there any other objections or amendments to Article XV?
Mr. Short: The gentleman from Maricopa has been before the committee for quite a while.
Mr. Chairman: Are there any objections or amendments to Article XV? If not, it will be considered by committee of the whole as recommended for adoption by the convention.
Mr. Colter: I make a motion to indefinitely postpone Article XV.
Mr. Chairman: You are out of order. I just said if there were no objections, and declared it was recommended by the committee of the whole for adoption, and you get up and make a motion that it be postponed. The chair will not entertain any such motion. The secretary will read Article XVlll, Labor.
Secretary: (reading) Section 1, Article XVlll, Labor.
Mr. Chairman: Section 1 of Article XVlll.
Mr. Feeney: I move that the word "work" be stricken out.
Mr. Cunniff: Mr. Chairman, that sounds funny, but there is really a serious purpose behind it. Under provisions of this kind, it is possible under certain conditions to have this eight hours work, instead of one continuous streak, may even spread over sixteen or twenty-four hours, and the proposition in the form proposed in the amendment, eight hours, is the proper way of phrasing it.
Mr. Chairman: You have heard the motion that the word "work" be stricken out. All those in favor of this amendment say aye; contrary-minded no. The ayes have it; so ordered. Any objections to Section 2? Any to Section 3?
Mr. Short: Mr. Chairman, I think it would be a good plan, and I move an amendment that in the last line of Section 2, between the last two words insert the word "calendar". in these labor laws I notice it is almost universally used.
Mr. Weinberger: I second the motion.
The motion failed to pass.
Mr. Chairman: Are there any amendments to Section 3? Any to Section 4? Any to Section 5? Any to Section 6? Any to Section 7?
Mr. Cunniff: Mr. Chairman, "Employes" in the fourth line from the last should not be plural. I move that the letter "s" be stricken out.
Mr. Feeney: I second the motion.
Mr. Chairman: That is on line 7?
Mr. Cunniff: Yes.
Mr. Chairman: You have heard the motion that the letter "s" be stricken out from the word "employes." All in favor say aye; contrary-minded no. The ayes have it. Any other objections to Section 7? Any to Section 8?

Any to Section 9?
Mr. Feeney: Mr. Chairman, I move that the words "or of any information concerning such "blacklist" be cut out of that section.
Mr. Bolan: I second the motion.
Mr. Feeney: Mr. Chairman, I prefer that that be stricken out or the whole section be stricken out. It is absolutely of no value with that in there. How would we ever know there was a blacklist unless there was some information in regard to it?
Mr. Chairman: You have heard the motion. Are you ready for the question? All in favor will say aye; contrary-minded no. The ayes seem to have it; the ayes have it; so amended. Are there any other objections or amendments to Article XVll, entitled Labor? If not, it will be considered as approved by the committee of the whole and recommended for adoption by the convention. Hearing none, it is so ordered. Mr. Secretary read the Article entitled Mines.
Mr. Cunniff: Mr. Chairman, I move that the title of Article XXll be changed from Schedule to "Schedule and Miscellaneous." All in favor say aye; contrary-minded no. So ordered.
Mr. Cunniff: I ask now that the secretary read these articles we passed this morning before reading those three we have on this separate sheet.
Secretary: (reading) Section 13.
Mr. Chairman: Read Section 14.
Secretary: (reading) Section 14.
Mr. Chairman: Read Section 15.
Secretary: (reading) Section 15.
Mr. Cunniff: That was stricken out this morning.
Mr. Chairman: Read what would be Section 15.
Secretary: (reading) Section 15.
Mr. Chairman: Now, gentlemen, on this printed slip headed "Miscellaneous" will be Section 17. The secretary will read it.
Secretary: (reading) Section 17.
Mr. Chairman: Are there any objections to Section 17?
Mr. Webb: Mr. Chairman, I move to strike out the letter "a", the last letter in the second line, and insert "an incorporated". It is indefinite as it now reads as to what a city or town would be construed to be. If placed upon a salary it would have to be an extremely low one or it would be rather more expensive than the present method.
Mr. Colter: I second the motion.
Mr. Jones of Maricopa: We have threshed this thing over about seven times now. This same question is brought up every time, and it is voted down, and I hope it will be voted down again.
Mr. Chairman: It has been moved and seconded that the last letter in the second line be stricken out and the words "an incorporated" be inserted. Are you ready for the question? All in favor say aye; contrary no. The nays have it. The motion is lost. Any objections to Section 18? Any objections to Section 19? Any objections to Section 20? Are there any objections or amendments to Article XXll, entitled Schedule and Miscellaneous?
Mr. Short: Does that last section read: "The legislature shall pass the necessary laws?"
Mr. Chairman: Yes.
Mr. Short: I move that the word "pass" be stricken out and the word "enact" be inserted.
Mr. Winsor: I second the motion.

The motion prevailed.
Mr. Parsons: Mr. Chairman, I just had my attention called to the fact that Proposition No. 48, according to the memorandum I have in my copy of the proposition and the notes made as amendments, were passed, but I have seen no record of its being included in any of the Articles.
Mr. Chairman: What is it?
Mr. Parsons: It is relative to employes and public works.
Mr. Cunniff: I thank you for calling my attention to the error. No. 48 was compiled as Section 10 of the Article on labor, but in some way the copy did not get in the matter sent to the printer.
Mr. Chairman: It will be numbered Section 10 of Article XV111, Labor. If there are no objections we will refer back to Article XV111, Labor. Are there any objections or amendments to it?
Mr. Ellinwood: I move to strike out the section.
Mr. Colter: I second the motion.
Mr. Cunniff: I fought this question over several times, and each time it was carried, and I hope the convention will not go back on this propositinn after having passed it twice.
Mr. Ellinwood: I ask for a roll call.
Mr. Moeur: I hope every sane, thinking man, will vote against it.
Mr. Parsons: Mr. Chairman, as has been stated by the gentleman from Yavapai, we have had this matter before the convention and discussed it at length, and it was amended until it met the approval of those who objected on the ground that they were afraid those up in the northern part of the territory would not be allowed to give employment to the Indians, and the word "ward" was inserted. I believe the proposition is one of merit, and one that the labor element of the territory and of the new state will appreciate, and one that they can demand, and it was at their request and demand that it was introduced, and I certainly hope that the motion to strike it out will not prevail.
Mr. Connelly: Mr. Chairman, I am not so much in favor of it because the labor element demand it, but I think it is a governing provision that exists in other states and works satisfactorily and well, and is a good piece of state policy.
Mr. Colter: I do not think it will be a good thing in the territory today. This is a new state - - -
Mr. Connelly: In answer to the gentleman from Apache, I think we need it more because it is a new state than because it is an old state, because the laboring man is the man who makes the state, and if you keep out that man, who will make citizens? You will not have much of a state.
Mr. Moeur: I claim that the man who pays the taxes is the man who makes the state.
Mr. Connelly: In answer to the gentleman from Maricopa, let me say it is the laboring man who pays the taxes, and if you do not have any laboring men you will not have any taxpayers. (Applause)
Mr. Chairman: You have heard the motion. It is moved and seconded that Section 10 be stricken out of Article XV111. Roll call is asked for. As many as favor striking out Section 10 will answer aye as their names are called; opposed no.
Roll call showed 18 ayes and 29 nays.
Mr. Chairman: Tha motion to strike out is lost. Are there any other objections or amendments to be made? If not, it will be considered approved by the committee of the whole, and recommended for adoption by the convention. Hearing none, it is so ordered.

Mr. Chairman: The chair was going to say, what are you going to do about that seal. Are you going to adopt one or not?
Mr. Ellinwood: Mr. Chairman, the committee has agreed on a design, and the artiest, Mr. Motter, is working on it now. I supposed it would be here by this time.
Mr. Cunniff: I would suggest that the committee get together with Mr. Motter and prepare a brief description of that seal to incorporate in this schedule article. So far as the revision committee is concerned, we have now incorporated everything that has been passed by the convention. Mr. Parsons pointed out that No. 48 had been overlooked, and I would like to inquire if anything else has been overlooked.
Mr. Weinberger: I would like to ask if the election ordinances have all been passed?
Mr. Winsor: These election ordinances have been acted upon by the committee of the whole. They have not been acted upon by the convention.
Mr. Crutchfield: Mr. Chairman, I have a motion to make, and wish to say a few words in explanation thereof.
Mr. Chairman: What is the motion, for the committee of the whole, or for the convention?
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Chairman: Order, gentleman. The chair would call the attention of the gentleman from Maricopa to the fact that this committee of the whole has under consideration the Constitution of Arizona, and there is nothing in the constitution that I see or know of that permits of any such amendment as you are now offering being taken up by the committee of the whole. If you want to make that amendment when the convention proper is in session.
Mr. Crutchfield: Does the chair rule that that would not be a suitable amendment to the Article on Municipal Corporations?
Mr. Chairman: The chair will rule that Municipal Corporations has been passed and already adopted by the convention. If you want to make an amendment to any of the Articles that are under consideration and have not been adopted by this convention, the chair will entertain the motion.
Mr. Crutchfield: Then I recommend that the Article on Schedule and Miscellaneous be amended. I move to insert this as a section to be voted on separately, and if carried become a law.
Mr. Chairman: The chair will rule that the committee of the whole has nothing to do with anything to be voted on separately. This committee of the whole has no ordinance for separate submission. We are just considering what has been sent back by the style and revision committee.
Mr. Crutchfield: I bow to the will of the chair.
Mr. Chairman: All in favor of the committee arising say aye; contrary-minded no. The ayes have it; so ordered.
The President resumed the chair.
Mr. President: The convention will come to order.
Mr. Goldwater: Mr. President: Your committee of the whole, having had under consideration the Constitution of Arizona as reported back by the committee on style, revision and compilation, begs leave to report that they have amended Article XV, Article XVIII, Article XXII, and recommend that as amended the articles be adopted by this convention.
Mr. President: Gentlemen of the convention, you have heard the report of the committee of the whole. Those in favor of accepting the report will answer aye; those opposed will answer no. The ayes have it; so ordered. Those in

favor of adopting the amendments as offered by the committee of the whole will answer aye; opposed will answer no. The ayes have it; so ordered. Gentlemen of the convention, Article XV, Corporation Commission. The secretary will read the Article for final adoption.
Secretary: (reading) Article XV.
Mr. Short: Are amendments in order as the section is read? In Section 1 of this article, I would move that on line 4 the "th" after 20 be stricken out.
Mr. Goldwater: That was already done in committee of the whole and already adopted.
Mr. President: If there are no objections, the record will be made to show that.
Mr. Jones of Maricopa: I should like to move an amendment to Section 13, and I should like to say that I believe the committee of the whole fell under the hypnotic eloquence of our friend from Cochise. It was not discussed fully, and had been prior to our present action, and I, therefore, move the reinsertion of the words eliminated, commencing on line 4.
Mr. Jones of Yavapai: I second the motion.
Mr. Jones of Maricopa: It can do no harm to have it in the constitution, and it will serve a good honest purpose. It will put a restraining hand upon the corporation and help to keep them from committing perjury, as they have in order to get their rates up and their taxes donw, and I believe that ought to remain in there. It will be an equalizer and it can do no harm, and will be a good, wholesome measure.
Mr. President: You have heard the amendment offered by the gentleman from Maricopa, Mr. Jones, that on line 4 the part that was stricken out in the committee of the whole be reinserted. Are you ready for the question? On that motion a roll call is called for. Those in favor of reinserting what was stricken out will answer aye as their names are called; opposed will answer no. The secretary will call the roll.
Roll call showed 22 ayes and 23 nays.
Mr. President: The motion is lost. Gentlemen of the convention, the question comes up on the adoption of Article XV into the constitution of the State of Arizona, entitled "corporation Commission." Those in favor of the adoption of Article XV will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Mr. Moeur: I would like to explain my vote on this proposition. There are a good many things I do not like, but I have lived under republican administration since 1896 and I do not like that either, so I vote aye on this proposition.
Mr. Webb: I desire to say that there are some provisions in this bill that appeal to me as being absolutely vicious. There are other things stricken out that I should have preferred left in, but, taken as a whole, I think the good predominates, and I shall vote aye.
Roll call showed 29 ayes and 19 nays.
Mr. President: Article XV has been adopted by the convention. Take up Article XVIII, Labor. The secretary will read.
Secretary: (reading) Article XVIII, Labor.
Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article XVIII, Labor. Those in favor of the adoption of Article XVIII will say aye as their names are called; those opposed will answer no. The secretary will call the roll.

(Speech by Mr. Ellinwood omitted and sent to him)
Roll call showed 39 ayes and 10 nays.
Mr. President: Article XVlll has been adopted by this convention. Gentlemen the question comes up on the reading of the balance of Article XXll, Schedule and Miscellaneous. We read a portion of it this morning, but there are three or four sections at the latter end. The secretary will read.
Secretary: (reading) Article XXll.
Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article 22, Schedule and Miscellaneous.
Mr. Cunniff: I would suggest that the final passage of this be left until we hear from the committee on seal.
Mr. President: A sub-committee. Do you want me to get that in today? Mr. Ingraham, regarding the election ordinance, should not that be acted on this afternoon?
Mr. Ingraham: It was acted on by the committee of the whole, and is now in the hands of the committee on style and revision for correction.
Mr. Jones of Maricopa: There was a sub-committee appointed to insert the date on that, and then submit it to the committee on style and revision.
Mr. Cunniff: That proposition is now in the hands of the style and revision committee and copies of it are being written by the typewriter now. The style and revision committee will be glad to get together with that sub-committee and insert that date and have that matter ready with Election Ordinance No. 2 at the first possible moment. If we have a night session tonight we might have it before the convention tonight. I beg to say that the enrolling is quite up with the convention. Some time tomorrow the enrolled copy will be ready for signing.
Mr. President: Mr. Ellinwood says the committee on seal will be ready to report this evening.
Mr. Cunniff: I move that we defer final passage of this measure on schedule until this evening.
Mr. Wood: I second the motion.
Mr. President: If there is no objection, so ordered. Is there anything else to come before the convention, - anything you can think of that has been omitted?
(Speech by Mr. Crutchfield omitted and sent to him)
Mr. Sims: I second the motion.
Mr. Jones of Yavapai: Is that a motion or a proposition?
Mr. Crutchfield: That is a resolution.
Mr. President: You have heard the resolution offered by the gentleman from Maricopa, Mr. Crutchfield.
Mr. Ellinwood: Mr. President, I move you that further consideration of this resolution be indefinitely postponed.
Mr. President: It has been moved and seconded that further consideration of this resolution be indefinitely postponed. Are you ready for the question? The gentleman has asked for a roll call. All those in favor of indefinitely postponing consideration of this resolution will answer aye as their names are called; opposed will answer no. The secretary will call the roll.
Roll call showed 36 ayes and 7 nays.
Mr. President: The resolution has been indefinitely postponed.
Mr. Winsor: Mr. President, I would like to offer a resolution.
Mr. President: Read the resolution.
Secretary: (reading) Resolution introduced by Mr. Winsor, providing for re-registration of voters.
(Speech by Mr. Winsor omitted and sent to him)
Mr. Ellinwood: Is this another proposition for the ignorant voter of Yuma county?
Mr. Winsor: Mr. President, we have not discovered very

many ignorant voters in Yuma county; therefore, we have taken the position we have with regard to the so-called ignorant voters.

Mr. President: Gentlemen of the convention, the question comes up on the adoption of the resolution as offered by the gentleman from Yuma, Mr. Winsor; those in favor of the adoption of the resolution will answer aye; those opposed will answer no. Call the roll.

Mr. Short: I would like to explain my vote, and correct a statement that my colleague made just as I came in at the door. He said that we had found a large percent of intelligent voters in Yuma county. That was wrong; a large percent of intelligent voters found us. I desire to vote aye.

Roll call showed 28 ayes and 19 nays.

Mr. President: The resolution has been adopted.

Mr. Goldwater: Mr. President, I have a resolution which I desire to offer. As the same is self-explanatory, I shall not make any remarks about it.

Secretary: (reading) Resolution, introduced by Mr. Goldwater.

Mr. Jones of Yavapai: I move the adoption of the resolution.

Mr. President: You have heard the resolution offered by the gentleman from Yavapai, Mr. Goldwater. All in favor of the adoption of the resolution will answer aye; opposed will answer no. The resolution is adopted.

Mr. Feeney: I move we stand at recess until 7:30 p.m.

Mr. Osborn: I second the motion.

The motion prevailed.

Convention stood at recess until 7:30 p. m.

EVENING SESSION.

Mr. President: The convention will come to order. A quorum is present. Gentlemen of the convention, we will take up Election Ordinance No. 2, and the secretary will proceed to read. The gentlemen can take it up section by section. Are there any objections to Section 1? Any to Section 2? Any to Section 3? Any to Section 4? Any to Section 5? Any to Section 7? Any to Section 8? Any to Section 9? Any to Section 10?

Mr. Parsons: Before we leave Section 9, I would like to inquire about Section 8 on line 25, page 9. As I understood the secretary to read, the words "until the legislature shall otherwise provide," were omitted.

Mr. Cassidy: I think these words were stricken out by the revision committee.

Mr. Parsons: The revision committee did not have authority to do that.

Mr. Cunniff: I find in looking up this copy it was stricken out by the revision committee.

Mr. Parsons: Mr. President, I think the revision committee exceeded its authority. I think it changes the sense of the meaning of the proposition and that the committee had no right to do it.

Mr. Cassidy: Mr. President, I think the reason it was stricken out is this: There cannot be any session of the legislature to otherwise provide until after this election is held, consequently it is superfluous.

Mr. Parsons: It may be true.

Mr. President: Any objection to Section 10? Any to Section 11?

Mr. Short: Mr. President, I have an amendment to offer, as section 12.

Mr. President: A new section is offered,-

Secretary: (reading) Section 12, inserting the name "Morris Goldwater" after the words "Vice-President."

Mr. Parsons: I want to immortalize my name by seconding the motion.

The motion prevailed.

Mr. President: Now, gentlemen of the convention, I believe this is on the third reading---

Mr. Osborn: Mr. President, I haven't the bill as engrossed before me, but in the printed bill which we got several days ago--Proposition No. 148 I think it was Section 5, Subdivision M, I move be stricken out.

Mr. Colter: I second the motion.

Mr. Osborn: My reason for amending that is that it knocks out the qualification that the registered voter must live in a precinct thirty days before he is qualified to vote. In Phoenix,--and we are especially interested in this in the more populous sections of the territory,--a man can live in Ward No. 1, and move and vote if he wants to in the second ward; he can vote in Mesa or Tempe, or any other precinct in this county. I want to say to you, Mr. President, that it gives the greatest opportunity for fraud in the elections in the populous districts of this territory. Therefore, I hope the members of this convention will vote to strike it out.

Mr. President: Gentlemen of the convention, it is moved and seconded that Subdivision M. be stricken out. Are you ready for the question?

Mr. Ingraham: Mr. President, if these qualifications are stricken out, what will be the qualification for voting at the primary? It is only natural that the persons who vote at the election may vote at the primary. If they are not allowed to vote at the election, why should they be allowed to vote at the primary?

(Speech by Mr. Osborn omitted and sent to him)

Mr. Jones of Yavapai: Mr. President, I, like the gentleman from Yuma, believe that any man who has a right to vote at the general election should also vote at the primary, and as the enabling act provides that the qualification of these electors shall be as laid down in the statutes of 1901, I do not see how that can by this ordinance be changed.

Mr. Cunniff: Do I understand the gentleman from Maricopa to say that that provision compels a voter to live thirty days in the precinct?

Mr. Osborn: It does.

Mr. Cunniff: As I understand the paragraph he wishes stricken outsays that they shall be registered as provided in Section 3. That carries the whole thing back to Section 3 in the ordinance, and Section 3 says that the voter shall have resided in the territory of Arizona at least twelve months next preceding the day of the election heretofore held for election of delegates to this constitutional convention, and says nothing about the precinct.

Mr. Osborn: Let me call the attention of the gentleman to the fact that under the revised statutes of 1901 a qualified elector of a county could vote in any precinct whether he lives there or not.

Mr. Cunniff: I would like to say that Yavapai county will protest against that.

Mr. Osborn: You will protest against everything else.

Mr. Cunniff: I do not think we have protested against everything else; quite the contrary. I hope the gentleman has no hard feelings toward the gentleman from Yavapai in that way. But in a county like Yavapai, in which the voters move from place to place,--in one month will work in one mining camp and another month in another camp--will be a hardship to compel them to go back to the precinct in which they were thirty days before.

Mr. Osborn: If they live in that precinct thirty days before? You cannot gain a residence until you have lost one. In all the counties in this territory, with the exception of the most populous counties, men have been allowed to vote where they have been, because they had a check upon them, but in the most populous counties you are going to give opportunity for fraud.

Mr. Morgan: Navajo County also wants to protest. If that proposition of the gentleman from Maricopa goes into effect it will disfranchise about a third of our citizens,--sheep herders who cannot be in their own precinct.

Mr. Cobb: I would like to ask the gentleman of Navajo which one-third would they disfranchise--those that voted for him or his colleague?

Mr. Morgan: Some voted for one and some for the other. I think I am speaking the sentiments of my colleague from Navajo county when I say we are not in favor of that thing at all.

Mr. Osborn: I want to ask the gentleman if any of them have been disfranchised in the last five years. The law of 1905, if I am not mistaken, was the law which said a man must reside in a precinct thirty days before he was entitled to vote.

Mr. Feeney: Mr. President, I appreciate Mr. Osborn's efforts to have a clean honest ballot, but they have drawn the imaginary state line, and they have drawn the imaginary county line, and they have drawn the imaginary precinct line, and the next thing will be the block line and the residence line. I am tired of having American citizens disfranchised. I want to support every effort for the honest ballot in this state, but I believe you are drawing the line a little too distinctly.

Mr. Standage: Mr. President, I would like to ask you how you would remedy this condition in this county?

Mr. Parsons: Will the gentleman from Maricopa yield to a question? Will you please tell us how it is that Maricopa has a different election law from the balance of the territory?

Mr. Standage: I do not think we have. We simply want some regulation as to this voting. I have seen people try to vote in two different places, and I don't think it is proper. I think there should be some law restricting them.

Mr. Cobb: Mr. President, we have passed two propositions here relative to elections for the relief of Yuma county, and I do not see why we should not pass one for the relief of Maricopa county. (applause)

Mr. Jones of Yavapai: This question does not seem to be a question of locality at all. It is a question of whether we want the same qualification for the voters in the primary election as is laid down for the voter in the general election, and the qualification for the voter in the general election is as laid down in the enabling act. If we want the same qualification, then this clause is the only one we can use.

Mr. Osborn: I will say to Mr. Cobb that Maricopa county is not asking for a bill to relieve Maricopa county. All Maricopa wants is to have the law left just as it is today, and I want to say to Mr. Parsons that we are not making a law exactly for Maricopa. Maricopa has always complied with the law, but the other counties have not. (applause)

Mr. Lynch: I am not going to get into this discussion for the simple reason that over in Graham county we are not so much interested in where the man is registered as we are in how he is going to vote. It seems to me that this is much ado about nothing. I anticipate that in Maricopa county they follow the system that we follow--by agreement a man was permitted to vote in another precinct, and I believe that under this section by agreement that that could be done without passing a law for the relief of Maricopa county.

Mr. Osborn: I want to say to Mr. Lynch that we are not asking for a law for the relief of Maricopa county, and I am going to appeal to the gentlemen of this convention at this time. I hope they will let the law stand as it is now.

Mr. Cobb: I think the gentleman from Maricopa is correct. The law of 1901 does require that any elector must be a resident of the precinct, and I am satisfied that those who drew this provision for the primary election wish to change that in the primary election. I think that those who vote in the primary election should be residents of the county and precinct for thirty days.

Mr. Doe: I move that citizens of Graham county be disfranchised. (applause)

Mr. Jones of Maricopa: I believe all of this discussion is unnecessary. When we read subdivision M and find that it gives reference to Section 3, and Section 3 provides that the 1901 law shall govern, and the 1901 law provides that voters must--the qualifications provide for thirty days residence in a precinct, I think the proposition is all right.

Mr. President: The question comes up on the amendment offered by the gentleman from Maricopa, Mr. Osborn, to strike out subdivision M. Those in favor of striking it out will answer aye as their names are called, and those opposed answer no. The secretary will call the roll.

Roll call showed 13 ayes and 27 nays.

Mr. President: The amendment is lost. If there are no objections the secretary will call the roll on the adoption of the Election Ordinance No. 2.

Roll call showed 24 ayes and 7 nays.

Mr. President: Ordinance No. 2 is adopted.

Secretary: (reading). Report of committee on Seal.

Mr. Ellinwood: Mr. President, I move that the report of the committee on seal be adopted.

Mr. Bolan: I second the motion.

Mr. President: It has been moved and seconded that the report of the committee on seal be adopted. Those in favor answer aye; opposed answer no. The ayes have it; so ordered. Is there anything more on schedule?

Mr. Goldwater: Mr. President, I may be mistaken. Do I understand that the convention has adopted this report and thereby incorporated this as the seal of the State of Arizona?

Mr. President: The motion of the gentleman from Cochise, Mr. Ellinwood, was that the report of the committee be adopted.

Mr. Goldwater: I move that the seal of the State of Arizona be as follows: That the present device now on the seal of the territory of Arizona shall be the seal of the State of Arizona. Around it shall be the following words: "Great Seal of the State of Arizona," with the year of admission of the state into the Union. It seems to me any man who has lived in this territory as long as I have under the present seal can continue to live under it until he dies without hurting himself any.

Mr. Ellinwood: Mr. President, the matter that impressed the committee in the adoption of the device reported was an effort so far as possible to get away from cactus, gila monsters and rattlesnakes. The seal of the territory of

Arizona was taken from a baking powder can which might be all right, but it seems to me if there is any one thing conspicuous in the territory of Arizona, it is the large storage dam in the background and the irrigated fields, which did not exist at the time of which the gentleman speaks. It seems to me this device mentions the industries and the cattle raising and the mines, and it is appropriate. (applause)

(Speech by Mr. Goldwater omitted and sent to him)

(Speech by Mr. Parsons omitted and sent to him)

Mr. Cunningham: Mr. President, I do not want to discuss any disputed points, but one fact, Mr. President. I think I heard a small voice from the southeast corner of this hall state that as Burbank, the wizard of California, had made the cacti famous, he desired to keep it on the seal. Now, I would like to remind the gentleman that in making the cacti famous he removed therefrom the spine. Therefore, if you keep the same brand of cacti on the seal of the state that was on the seal of the territory you will not have followed the progression of Mr. Burbank, and you have made a mistake because the Arizona cacti is different from the Burbank variety, so I think we had better change it.

Mr. Doe: Mr. President, in answer to the gentleman from Cochise with relation to the attitude of the republicans in this convention, permit me to say that the republicans have not gone to the extent that they preferred conservation to progression. They have simply said that conservation in several paragraphs would be more apt to make the constitution we are preparing a live instrument than a dead one.

(Speech by Mr. Lynch; omitted and sent to him)

Mr. Osborn: Mr. President, I, too, like my friend from Yavapai, am an oldtimer. I love the cactus, and I want to vote that the seal shall be the same as it was years ago under the territorial form of government, but out of deference to some of my friends, and especially to one of my friends from Cochise county, I believe a red flag should be put in the top of one of those cacti. (applause)

Mr. Feeney: Mr. President, I asked some of my friends tonight to describe the red color in that flag. They could not do it. That flag symbolized all that I have; all that I have striven for in my effort for liberty and independence. I am not a native of Arizona, but I am a native of the great country that has forever stood under the flag that symbolized liberty and freedom and the brotherhood of man, and that is the Stars and Stripes, and I pay tribute to that flag and that flag alone as an American citizen, and the red flag does not go for me. (applause)

Mr. Cunniff: Mr. President, I move that consideration of the committee's report be postponed until tomorrow morning.

Mr. Keegan: I second the motion.

Mr. Short: Didn't we adopt the report of the committee?

Mr. President: We adopted the report of the committee, but an amendment was offered.

Mr. Cunniff: It seems to me it is customary when a new state is to be made to give the delegates who are discussing the matter of state seal an opportunity to look at the design that is submitted.

Mr. Ellinwood: I would state that the design was here on the floor this afternoon, although I think this motion is very opportune. It can be here in the morning, and also the old seal can be inspected.

Mr. Goldwater: The old members do not need to inspect the old seal. (applause.)

Mr. Standage: Mr. President, I want to make one more and

last appeal to Mr. Ellinwood. I have been here some thirty years. I was born here and raised here, and I am glad I was born here. I think a great many things have progressed quite a distance in this convention. One party spoke of the changes that have been made, and of our having such a nice constitution. Let us just call a halt, and not progress too fast, and adopt some of the older ideas. I am very much in favor of the old seal we have always used.
Mr. President: I would suggest to the gentleman that we had better adopt all the ordinances except the seal so that part of it can be enrolled. It is quite a lengthy article. If that would meet the approval of the gentleman of the convention, we will call the roll on the passage of the ordinance with the exception of that part in regard to the seal and that can be taken up in the morning. The secretary will call the roll on the final passage with the exception of that portion which relates to the seal.
Roll call showed 33 ayes and 7 nays.
Mr. President: Gentlemen of the convention, Article XXll, Shedule and Miscellaneous, has been adopted with the exception of the seal.
Secretary; (reading) Resolution No. 22, introduced by Mr. Feeney, regarding appropriation for Michael Hannon.
Mr. Feeney: Mr. President, I move the resolution be adopted.
Mr. Osborn: I second the motion.
Mr. President: Call the roll on the adoption of the resolution.
Mr. Cunniff: I would like to explain my vote. It seems to me we passed a resolution some time ago to reimburse the postmaster for his additional expense, and it seems to me the business of this convention should be carried on in a business-like way. I am in favor of reimbursing the postmaster to an amount appropriate, but it seems to me the report should be presented in the convention and although I am in favor of making this reimbursement, I think it should be done in a business-like way, and I, therefore, vote no.
Mr. Short: Mr. President, I do not think it would do for me to explain my vote in a case of this kind. I vote no.
Mr. President: This is one time that I am going to vote with the republicans. I vote aye.
Roll call showed 28 ayes and 14 nays.
Mr. President: The resolution has been adopted. Is there another ordinance ready: We will now take up Election Ordinance No. 1. I would ask the vice-president to take the chair for a while.
Secretary: (reading) Report of committee on election that it has examined election ordinance No. 1, recommending that the election for the ratification of the constitution be held on Thursday, the 9th day of February, 1911.
Mr. Chairman: You have heard the report of the committee.
Mr. Cunniff: I move the report be accepted.
The motion prevailed.
Secretary: (reading) Report of committee on style, revision and compilation on Election Ordinance No. 1, recommending that the appended engrossed copy be adopted as amended.
Mr. Cunniff: I move the report of the committee be adopted.
Mr. Short: I second the motion.
The motion prevailed.
Secretary: (reading) Election Ordinance No. 1
Mr. Chairman: Are there any objections or amendments to Section 1?
Mr. Cunniff: I move to strike from the end of the first paragraph the words "as follows, to-wit:"
Mr. Wood: I second the motion.
The motion prevailed.
Mr. Chairman: Any objection or amendment to Section 2? Any

to Section 3?

Mr. Winsor: Mr. Chairman, I move to insert after the word "Arizona" on line 7 of Section 3 the word "approved."

Mr. Cunniff: I second the motion.

The motion prevailed.

Mr. Chairman: Any objections to Section 4? Any to Section 5? Any to Section 6? Any to Section 7? Any to Section 8? Any to Section 9? Gentlemen, what will you do with Election Ordinance No. 1 as amended? Are there any objections or amendments? If not, the secretary will call the roll on the final passage.

Mr. Winsor: I have in mind an amendment that I have not had an opportunity to prepare, which is a provision requiring that the secretary of state shall keep and preserve for a certain definite period all election returns submitted to him. I would like to have a moment to prepare such an amendment.

Mr. Chairman: If there is no objection the gentleman will be given time to prepare his amendment.

Mr. Winsor: I move to insert at the end of the second paragraph in Section 8, the following: "and shall carefully preserve and keep in the custody of his office, for a period of one year from the date of such election the original and complete returns thereof.

Mr. Osborn: I second the motion.

The motion prevailed.

Mr. Chairman: Are there any other objections or amendments? If not, the secretary will call the roll on the final passage. Those in favor of Election Ordinance No. 1 being adopted will answer aye.

Mr. Secretary call the roll.

Roll call showed 32 ayes and 4 nays.

Mr. Chairman: Election Ordinance No. 1 has been adopted.

Secretary: (reading) Resolution No. 25 introduced by Mr. Cunniff.

Mr. Cunniff: I move that the resolution be adopted.

Mr. Jones of Yavapai: I second the motion.

The motion prevailed.

Mr. Short: Mr. Chairman, I have a resolution to offer.

Secretary: (reading) Resolution No. 26, introduced by Mr. Short.

Mr. Feeney: I move the resolution be adopted.

Mr. Short: I second the motion.

Mr. Winsor: Mr. Chairman, it may or may not be germain to the question, but, I would like to move that the salary of the assistant secretary be six dollars per day.

Mr. Osborn: I second the motion.

Mr. Chairman: All in favor say aye; contrary-minded no. All in favor of the adoption of the resolution as amended will answer aye; contrary-minded no. The ayes have it; so ordered.

Mr. Weinberger: This morning there were two members of this convention appointed to overlook the minutes, the journal and the verbatim report and nothing was said about their compensation. It seems to me that if some time is going to be required they should be compensated for it.

Mr. Hunt: I spoke to the secretary about that, and he was under the impression that no other member would receive pay; consequently I appointed two members who live here in Phoenix, Mr. Hutchinson and Mr. Cassidy.

Mr. Coker: Mr. Chairman, I move we adjourn until 9:30 o'clock tomorrow morning.

Mr. Osborn: I second the motion.

The motion prevailed.

Convention adjourned to 9:30 a.m. December 9, 1910.

JOURNAL, December 9, 1910. 9:30 a.m.

Mr. President: The convention will come to order. The secretary will call the roll.
Roll call showed quorum present.
Mr. President: The convention will rise while the chaplain offers prayer.
Prayer by the chaplain.
Mr. President: Reading of the minutes.
Minutes read and approved.
Mr. President: The unfinished business of last evening; the only thing I remember, was the seal.
Mr. Jones of Maricopa: Mr. President, I just stepped into the historian's office, and she would like to submit in a few moments a few brief words giving the history of the adoption and making of the territorial seal. I think it would be interesting to a great many of us to know something about that.
Mr. Cunniff: Is that additional matter?
Mr. Jones of Maricopa: She just stopped me in the hallway and asked permission. It may be something additional.
Mr. President: If there are no objections, the rules will be suspended and the secretary will read the report of the committee on seal.
Secretary: (reading) Report of committee on seal.
Mr. President: Call the roll on its final passage.
Mr. Cunniff: Mr. President, same size as the present one, I guess.
Mr. Winsor: I find that Mr. Goldwater, who was absent while the matter of the seal was being discussed, has a carefully prepared speech on the subject, and I suggest he be allowed to make that speech.
(Speech by Mr. Goldwater omitted and sent to him)
Roll call showed 28 ayes and 11 nays.
Mr. President: The seal has been adopted by this convention; the new seal.
Secretary: (reading) Resolution No. 27 Introduced by Mr. Cassidy.
Mr. Cassidy: I move that the resolution be adopted.
Mr. President: You have heard the resolution. Those in favor of its adoption answer aye; opposed nay. The ayes have it; so ordered.
Secretary: (reading) Resolution No. 28 Introduced by Mr. Cassidy.
Mr. President: You have heard the resolution. Those in favor of the adoption of this resolution make it known by saying aye; opposed no. Unanimously carried.
Mr. Winsor: Mr. President, I move we suspend the rules and proceed with the final reading of the Constitution of Arizona.
Mr. Cunniff: I second the motion.
Mr. President: It has been moved and seconded that we suspend the rules and read the constitution of the State of Arizona. Those in favor of the suspension of the rules will answer aye; those opposed no. The ayes have it; so ordered. Gentlemen, the secretary will proceed to read the Constitution of the State of Arizona -- final reading.
Secretary: (reading) Resolution No. 29 Introduced by Mr. Ellinwood.
Mr. President: You have heard the resolution offered by the gentleman from Cochise, Mr. Ellinwood. Those in favor of the adoption of the resolution willanswer aye; opposed no. The ayes have it; so ordered.
Mr. Cunniff: Mr. President, I move we take a recess until

1:30 p. m.
Mr. Parsons: I second the motion.
The motion prevailed.
Convention stood at recess until 1:30 p.m.

AFTERNOON SESSION.

Mr. President: The chair wants to state that someone has taken away the President's gavel. It was the intention of the chair to present this to the historical society, but it was taken during the noon hour. Until it is returned there will be no payroll signed for the attaches. The secretary will read the constitution.
Secretary: (reading) Constitution of the State of Arizona.
Mr. President: Gentlemen of the convention, the question comes up on the adoption of the Constitution of the State of Arizona. What is your pleasure?
Mr. Jones of Maricopa: I move the adoption of the Constitution as read.
Mr. Parsons: I second the motion.
Mr. President: It has been moved and seconded that the Constitution as read be adopted. Those in favor answer aye as their names are called; opposed will answer no.
Mr. Osborn: Call the house first, Mr. President.
Mr. President: Call the roll first on the call of the house.
Secretary calls roll of members.
Mr. President: Who are absent?
Secretary: All here but Mr. Franklin and Mr. Webb.
Mr. President: Mr. Sergeant-at-Arms, you will come to the desk and get the names of the absent members. Lock the doors.
Mr. Jones of Yavapai: A good many members have requested me to ask if they could get back their election certificates, and I move that the members be allowed their election certificates.
Mr. Osborn: I second the motion.
The motion prevailed.
Mr. Colter: Mr. President, I move that the call of the house be dispensed with.
Mr. Parsons: I second the motion.
Mr. President: It has been moved and seconded that the call of the house be dispensed with. Those in favor answer aye; opposed no. The motion is lost.
Mr. Sergeant-at-Arms: Mr. President, Mr. Franklin and Mr. Webb have taken their seats.
Mr. Sims: I move the call of the house be dispensed with.
Mr. Colter: I second the motion.
The motion prevailed.
(Speech by Mr. Goldwater omitted and sent to him)
Mr. Parsons: I second the motion.
Mr. President: It has been moved and seconded that Resolution No. 30, be adopted. Are you ready for the question?
(Speech by Mr. Doe omitted and sent to him)
(Speech by Mr. Cunniff omitted and sent to him)
(Speech by Mr. Goldwater omitted and sent to him)
(Speech by Mr. Doe omitted and sent to him)
Mr. Parsons: Mr. President, will the gentleman from Coconino yield to a question?
Mr. Doe: I will be glad to.
Mr. Parsons: Can the gentleman refer to an instance similar to the one you are asking the privilege of exercising? Do you know of a state in the Union where those who opposed the adoption of a constitution were ever permitted to sign it?
Mr. Doe: I do not know whether it has ever been signed in

any state or not. I felt that in this convention we were bound by the rules of this convention, which until repealed by a two-thirds majority, I presume are binding, and as this convention had embodied as one of its permanent rules a provision that every member of the convention should sign the constitution, and had not gone further and said that he must sign with approval or disapproval, I did not go any further. I think I know what is right.
(Speech by Mr. Parsons omitted and sent to him)
Mr. Cunniff: Mr. President, I will go this far; that the gentleman from Coconino has to agree that this convention has not the power to force any man to append his signature to this document, and that the provision in the rules should not be mandatory, and I therefore move that the resolution as presented be amended,--that the word "shall" be stricken out and that the word "says" be inserted.
Mr. Jones of Yavapai: I second the motion.
Mr. President: You have heard the amendment as offered by the gentleman from Yavapai, Mr. Cunniff. Are you ready for the question? Those in favor of the adoption of the amendment will say aye; opposed will answer nay. The ayes have it and it is so ordered.
Mr. Cunniff: Now it seems to me that any member of this convention may sign the Constitution of Arizona, or may not, as he sees fit.
Mr. Doe: As I suggested before, with approval or disapproval, it does not change the situation a particle.
Mr. President: The question comes up on the resolution offered by Mr. Goldwater, as amended. Those in favor of the resolution as amended by the gentleman from Yavapai will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.
Roll call showed 39 ayes and 13 nays.
Mr. President: Gentlemen of the convention, resolution No. 30 has been adopted. Gentlemen, the question now comes up on the adoption of the Constitution of Arizona as read today will answer aye as their names are called; those opposed will answer nay. The secretary will call the roll for the last time.
(Speech by Mr. Ellinwood omitted and sent to him)
Mr. Cunniff: I would like to point out that this is the second time the gentleman from Cochise has made a long speech in the middle of a roll call, when according to the rules, the speech could scarcely with propriety be answered.
Roll call showed 40 ayes and 12 nays.
Mr. President: Gentlemen of the convention, the Constitution of the State of Arizona has been approved by this convention. Gentlemen of the convention, we have the papers here for the final signatures.
Mr. President: Read the minutes of the afternoon session.
Minutes read and approved.
Mr. President: Gentlemen of the convention, in accordance with Election Ordinance No. 1, I will appoint the gentleman from Yuma, Mr. Ingraham, and the gentleman from Yavapai, Mr. Wood, to canvass the votes.
Mr. Osborn: Mr. President, there was a resolution passed here last night giving additional pay to some of the employes. It has been my idea right along that they should be given additional pay, and I move that the names of Mr. J.C. Evans and E. A. Marshall be added.
Mr. Cunniff: I second the motion.
The motion prevailed.
Mr. Goldwater: Mr. President, I have a resolution which I desire to offer.
Mr. President: Read the resolution.

Secretary: (reading) Resolution No. 31 introduced by Mr. Goldwater.
Mr. President: You have heard the resolution as read.
Mr. Goldwater: I move its adoption.
Mr. Feeney: I second that motion because it is going to be my pen.
Mr. President: You have heard the resolution. Those in favor of its adoption answer aye; those opposed nay. The ayes have it; so ordered.
Mr. Osborn: What is going to become of the gavel?
Mr. President: I do not know. The attaches will have to get the gavel or they will not get any pay for this week.
Mr. Cunniff: Mr. President: I want to introduce a resolution.
Secretary: (reading) Resolution No. 32.
Mr. Feeney: I move the adoption of the resolution.
Mr. Cunniff: I second the motion.
Mr. President: Those in favor will answer aye; those opposed will answer no. The ayes have it; so ordered.
Mr. President: Gentlemen of the convention, I am about to sign the official Constitution.
Mr. Parsons: Mr. President, I have a very brief resolution that I would like to offer which will not interfere with the work of the desk.
Secretary: (reading) Resolution No. 33.
Mr. Feeney: I second the motion.
Mr. President: Those in favor will answer aye; those opposed no. The ayes have it; so ordered.
Mr. Morgan: Mr. President, I move we extend a vote of thanks to our excellent Chaplain, Mr. Crutchfield. (applause)
Mr. President: Gentlemen of the convention, the gentleman from Mohave, Mr. Morgan has moved a vote of thanks to our excellent chaplain, the Reverend Crutchfield. Those in favor of that motion will answer; those opposed will answer no. The ayes have it.
Mr. President: Gentlemen of the convention, the document has been signed. As we opened the exercises of the day with the singing of the national anthem, I think it would be only fitting that we close the exercises by singing a verse of America, and then the chaplain will invoke the benediction.
Members sing America.
Mr. Chaplain: Our father, we are about to disband, separate, part, go to our different homes. O Lord, go with every one of these men and all these attaches and these little boys, and girls. Do Thou accompany them to their homes. And these men who will have this labor on their hands for these weeks and months, bless them in all their proceedings in life. Dismiss us Lord with Thy blessing. Help us to say: Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those that tresspass against us. And lead us not into temptation, but deliver us from evil for Thine is the Kingdom, and the Power, and the Glory, for ever and ever. Amen.
Mr. Goldwater: Mr. President, I move that this convention do now adjourn without a day.
Mr. Winsor: I second the motion.
Mr. Crutchfield: I move to adjourn at the call of the gavel.
Mr. Cunniff: May I ask the gentleman's reason for believing that we may have to reassemble.
Mr. Crutchfield: I suggest that if we should have to reassemble-- I will withdraw my amendment.
Mr. President: Gentlemen of the convention, it has been moved and seconded that the convention adjourn sine die. Those in favor answer aye; those opposed answer no. The ayes have it; so ordered.
Convention adjourned.

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Con P. Cronin
State Librarian
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November 1, 1925.